

**TO CLEAR THE NOTES, PLEASE FILE
ALL DOCUMENTS WITH THE CLERK'S
OFFICE BY THE END OF Monday,
November 15, 2004. SECOND CHECK
WILL BE POSTED ON Tuesday,
November 16, 2004. NO DOCUMENTS
WILL BE REVIEWED BEFORE THE
HEARING AFTER SECOND CHECK**

Superior Court of Calif, County of San Bernardino

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San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **PROBATE**

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPASS4939

CASE NAME: ESTATE OF MARTINA VALANCIC

HEARING:

FIRST ACCT CURRENT Account and Report of PUBLIC ADMINISTRATOR
and Petition for allowance of fees filed.

COUNSEL:

PUBLIC ADMINISTRATOR (PET)...GRESHAM SAVAGE NOLAN & TILDEN,
MARTINA VALANCIC (DEC)...
BRYAN C HATNELL (PET)...HARTNELL HORSPOOL & FOX
WENDY ROOS (PET)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on 1st Account of Public Administrator

Continued from 9/24/04 in order for counsel to file supplement. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Not ready for final distribution as not all personal property has been liquidated. Requesting 75% of the statutory fees & commissions.
2. Typographical error in petition. Correct statutory fee & commission is \$7897.31 (not \$7891.31). Order could be amended, or the parties could waive the \$6. Requests apportionment of payment of these monies in proportionate shares from the two sets of heirs.
3. Petitioner requesting extraordinary fees of \$1260 (\$400 for sale of personal property/ \$860 for sale of real property). Administrator has not explained why the statutory fee is not already a reasonable fee, pursuant to Estate of Walker (1963) 221 Cal.App.2d 792.
4. Attorney requesting extraordinary fee of \$3096.50 for services relating to the real property and the earlier petition to determine heirship. Same issue re: "reasonable fee".

RECOMMENDATION:

RFA subject to the court's discretion on extraordinary fees. Once approved, set hearing for Final Accounting or Status Report for 1/27/06

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPASS4970

CASE NAME: ESTATE OF JAMES L SMITH

HEARING:
Probate status report filed.

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...GRESHAM SAVAGE NOLAN & TILDEN
JAMES L SMITH (DEC)...

GENERAL INFORMATION:
This case is set for hearing on Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner alleges that estate not in a condition to close. Still need to liquidate personal property.
2. Petitioner requests an additional time of 6 months, or April 30, 2005, to complete the administration of the estate.

RECOMMENDATION:
RFA. Set accounting review for 6/3/05. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS00820

CASE NAME: IN THE ESTATE OF NELLIE ELLIS ROHR

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

NELLIE E ROHR	(DEC)...	
ELLIS E ELLIS	(PET)...PRO/PER	
LINDA GEITNER	(PET)...HINOJOSA KHOUGAZ & WALLET	
JOHN SCHWEISS	(PET)...PRO/PER	
CHARLES W GRANT	(TEE)...RONALD BERGWERK	
DONNA BYRD	(HINOJOSA & KHOUGAZ)...HINOJOSA
HARTNELL HORSPOOL & FOX	(HARTNELL HORSPOOL & FOX	
)...HARTNELL		
THOMAS R NORRIS	(PRO/PER)...PRO/PER

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS02150

CASE NAME: IN THE ESTATE OF NELL EIKELMAN HANF

HEARING:
Hearing re: STATUS

	COUNSEL:
NELL E HANF	(DEC)...
JOHN HANF	(PET)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on OSC re: Status

Powers of executor were suspended 5/22/98

There has been no activity in file since that date

Continued from 10/1/01 for petitioner (who appeared) to file status of case. Nothing new filed

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need Status Report

RECOMMENDATION:

None. If no appearance, powers will stay suspended and case will be in limbo until an interested person makes an appearance. No need to set further dates.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS03044

CASE NAME: IN THE ESTATE OF RAYMOND GARCIA

HEARING:
FIRST AND FINAL Account and Report of BARBARA GARCIA and
Petition for allowance of fees filed.

	COUNSEL:
BARBARA GARCIA	(PET)...DONALD MCKAY
RAYMOND GARCIA	(DEC)...

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS03542

CASE NAME: MTR OF JOE VILLALPANDO

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DAVE VILLALPANDO SR (PET)..
J. VILLALPANDO CONNOR (PET)..
JOE VILLALPANDO (DEC)..
JEREMY VILLALPANDO (PET)..
ED VILLALPANDO (PET)...PRO/PER
TOM VILLALPANDO (TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on (1) Petition to Remove Personal Representative and (2) Petition to Become Successor Representative

Current Personal Representatives are Dave Villalpando, J. Villalpando Conner, and Jeremy Villalpando. They failed to file an accounting. Sold real property on 2-9-04. Petition to remove alleges that the funds were not properly disbursed from the sale, such as \$101,253.68 to J. Villalpando Conner. Proof is letter written by executors, that they were disbursing funds without court approval, which is sufficient grounds to remove them.

Continued from 7-23-04 & 10-1-04 to file amended accounting. Nothing filed; notes remain the same. See Matter #8 for notes as to First & Second Accounting filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

Petition for Removal:

1. No separate proof of service. The proof of service indicates that "Petition for Probate" was mailed, so it is unclear whether the petition for removal was served.

2. Current executors are bonded with AmWest.

Petition for Successor:

1. Publication is not required for successor administrator. PC 8522
2. Petition incorrectly titled. It is on for Probate of Will and for Letters of Administration with Will Annexed. Court could accept oral correction and amend interlineation.
3. Bond of \$125,000.
4. Did not respond to 4g. Could do oral correction and amend by interlineations.

RECOMMENDATION:

RFA as to removal assuming service proven. If not, continue hearing but suspend powers of current executors. Set OSC re: Sanctions and Surcharge against the executors. Clerk to send notice to bonding company. Also need to set hearing for Final Accounting by them for same date as OSC.

RFA as to the successor petition subject to corrections at the hearing and bond of \$125,000. Set date for filing of successor Inventory & Appraisal for 5-06-05. Set hearing on accounting and/or status report for 12-16-05. Accountings to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS03542

CASE NAME: MTR OF JOE VILLALPANDO

HEARING:

Petition for TO REMOVE PERSONAL REPS FOR BREACH OF DUTY -

COUNSEL:

DAVE VILLALPANDO SR	(PET)...
J. VILLALPANDO CONNOR	(PET)...
JOE VILLALPANDO	(DEC)...
JEREMY VILLALPANDO	(PET)...
ED VILLALPANDO	(PET)...PRO/PER
TOM VILLALPANDO	(TP)...PRO/PER

No file to review

Related matters #6 & 8

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS03542

CASE NAME: MTR OF JOE VILLALPANDO

HEARING:

FIRST AND SECOND Account and Report of DAVE VILLALPANDO SR , J. VILLALPANDO CONNOR , JEREMY VILLALPANDO and Petition for allowance of fees filed.

COUNSEL:

DAVE VILLALPANDO SR (PET)..
J. VILLALPANDO CONNOR (PET)..
JOE VILLALPANDO (DEC)..
JEREMY VILLALPANDO (PET)..
ED VILLALPANDO (PET)...PRO/PER
TOM VILLALPANDO (TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on 1st Accounting & 2nd Report
Real property was sold per court approval in February 2004 and proceeds of over \$100,000 should be ready for distribution. Requesting additional time to close estate, but there doesn't seem to be any reason for delay.

Continued from 10/1/04 to clear notes

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Still has not filed the proof of service/notice of hearing that complies with PC 12201.
2. At hearing on 7-23-04, administrator was ordered to file an amended accounting. Not filed.

RECOMMENDATION:

Court may wish to take into account the lack of progress as to the accounting when determining whether to grant the removal petition. Court also should suspend powers until new bond filed for \$100,000. (Old bond terminated)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS03986

CASE NAME: ESTATE OF ARTHUR FLORES ET AL

HEARING:

Hearing re: REPORT TO COURT RE STATUS AND ACCOUNTING

COUNSEL:

ARTHUR FLORES JR (PET)...TOMLINSON, NYDAM AND PRINCE
ARTHUR FLORES (DEC)...
DEPT. OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:

Continued from 5-21-04 & 7-23-04. Nothing new filed. Court advised on 7-23-04 that escrow was ready to close.

Continued from 10/1/04 (escrow has not yet closed per Attorney Nydam)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Status report indicates trying to sell the real property. Delay because of litigation, now over, regarding title. Thought it could be done in 60 days (which is now).
2. Status report did not comply with notice requirements of PC 12201.

RECOMMENDATION:

If no accounting filed or proper status report filed, set OSC re: Failure to file Accounting. Clerk to send notice to bonding company.

San Bernardino Superior Court
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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS04072

CASE NAME: VICTORIA QUENSENBERRY IRREVOCABLE SPECIAL NEEDS TR

HEARING:

FOURTH CURRENT Account and Report of RUTH L HENRICKS and
Petition for allowance of fees filed.

COUNSEL:

RUTH L HENRICKS (PET)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on 4th Account Current
Accounting period: 8/6/03 – 8/5/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Trustee requests reasonable compensation of \$1,307.50. Billed at \$75/hour for 19.0 hours. Itemized. JTD
2. Attorney requests reasonable fee of \$2,260.00. Billed at either \$225 or \$275/hour for 10.0 hours. Itemized. JTD

RECOMMENDATION:

RFA subject to Courts approval of fees.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS04563

CASE NAME: ESTATE OF HELEN MAE PELEGRIN

HEARING:
Hearing Re: Status Conference.

COUNSEL:
THOMAS M JONES (PET)...PRO/PER
HELEN MAE PELEGRIN (DEC)...
PACIFIC COAST BOSTON TERRIER C(TP)...PRO/PER

GENERAL INFORMATION:
This case is set for hearing re: Status Conference

Thomas Jones removed as executor on 1-30-04 and Donnasue Ortiz appointed as temporary successor.
Citation personally served.
On 7-9-04, no appearance by Thomas Jones. For failure to appear, bench warrant issued with bail at \$10,000 (may not forfeit)
Continued from 8-20-04. Attorney Smith-Ortiz appeared for Special Administrator. Bench Warrant as to Thomas Jones remains.

Continued from 9/24/04 for status of special administrator's accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Nothing filed in response.
2. What is status of Special Administrator's Accounting?

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS04676

CASE NAME: ESTATE OF JOHN DALE BIRD

HEARING:
OSC re: Removal of Administrator

COUNSEL:

DIANE KAHLER-BIRD (PET)...MCCLELLAN & WILSON
JOHN DALE BIRD (DEC)...
BERTHA DIAZ (TP)...PRO/PER
STATE OF CALIF. FRANCHISE TAX (PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on OSC re: Removal of Administrator

Continued from 7-2-04. No appearance.

Continued from 7-30-04. Attorney Wilson appeared for Administrator. Court Suspended the powers of Diane Kahler Bird. Attorney Wilson is to prepare a final accounting. Not filed yet.

Continued from 9/24/04 at request of Attorney Wilson

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file updated I & A. One filed gave no value for "right to receive accounts receivable from law practice of John D. Bird".
2. No accounting filed.

RECOMMENDATION:

Set OSC re: Removal and Sanctions as to Diane Kahler Bird. Issue citation and have it personally served.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS04901

CASE NAME: EST OF DORETHA MARIA JAMES

HEARING:
Probate status report filed.

COUNSEL:
JANETTE M JAMES TOWNSEND (PET)...MCCLELLAN & WILSON
DORETHA MARIA JAMES (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Status Report
Accounting first due in 12-03 regarding need to sell real property. Sale then fell through.
When matter came up again for review, nothing was filed. No appearance on 7-23-04
either

Filed on 7-23-04 was a Status Report and Request for Continuance set for hearing on 8-
27-04. No appearance on 8-27-04.

Continued from 10/8/04 at request of counsel for additional time to sell property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. States need additional time to sell real property.

RECOMMENDATION:
None.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS04910

CASE NAME: ESTATE OF HENRY L. SCRUGGS

HEARING:

SECOND AND FINAL Account and Report of PAULINE SCRUGGS and
Petition for allowance of fees filed.

COUNSEL:

PAULINE SCRUGGS	(PET)...	KENNETH L MORRIS
HENRY L. SCRUGGS	(DEC)...	
JONATHAN SCRUGGS	(TP)...	PRO/PER
KENNETH L MORRIS	(KENNETH L MORRIS)...KENNETH L

GENERAL INFORMATION:

This case is set for hearing on 2nd & Final Account
Continued from 8-6-04. It appears that beneficiary Jonathon Scruggs may be filing
objections. Court ordered objections to be filed by August 23, 2004. Nothing filed yet.
Supplement filed 8-4-04 (reviewed 9-28-04)

Supplement filed by administrator on 8-27-04. Will need continuance to handle tax issue
which came to her attention. According to supplement, no objection to continuance by
"objector".

**Continued from 9-3-04 & 10-1-04: Attorney Morris requested additional time to clear
notes. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Petitioner has reimbursed herself for costs of administration and monies
loaned for funeral expenses. The funeral expenses were a claim on the
estate for which the petitioner should have filed a claim and had it approved
by the court. JTD
2. Attorney requesting statutory fee of \$7436. OK There was a prior attorney,
and the accounting reports that the earlier attorney is requesting \$1205.

Nothing filed from Attorney Anyanwu regarding this amount, but attorneys can decide amongst themselves how to split a fee. If no agreement, court makes a determination. **Supplement filed. Agreement signed by both attorneys as follows: \$1200 to Chima Anyanwu and \$6230.50. Court should note that this does not add up to the fees requested of \$7436 (adds up to \$7430.50)**

3. Attorney requesting extraordinary fees of \$1800 for services related to sale of real property. Need to file Estate of Walker (1963) 221 Cal.App.2d 792 declaration to explain why the statutory fee is not a sufficiently reasonable fee to cover all services provided. **Filed declaration which states that the services were not otherwise compensated, but doesn't explain exactly how the statutory fee is not an overall reasonable fee for all services rendered. Court might wish to inquire further.**
4. Petitioner requesting commission in the amount of \$7436. OK

RECOMMENDATION:

RFA subject to the court's discretion as to fees. Once approved, set hearing for filing of receipts and final discharge for 12/2/05

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05102

CASE NAME: EST OF JESSE A GONZALEZ

HEARING:

Hearing Re: REPORT OF ADMINISTRATOR WAIVER OF ACCT AND PTN FOR.

COUNSEL:

MARSHA M GONZALEZ (PET)...MARTIN E KELLER
JESSE A GONZALEZ (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Accounting

Continued from 10/8/04 at request of counsel. Nothing new filed

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Court cannot hear this matter until the I & A is filed.
2. Petition states that the creditor's claim of Norma Alvarez for \$30,000 is being withdrawn. Need to file.
3. Requesting statutory compensation of \$638.82. Need I & A to verify.

RECOMMENDATION:

Need I & A and withdrawal of creditor's claim

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05164

CASE NAME: ESTATE OF ELIZABETH TURNER

HEARING:

FIRST AND FINAL Account and Report of RICHARD CASAUS and
Petition for allowance of fees filed.

COUNSEL:

RICHARD CASAUS	(PET)...	GRESHAM, SAVAGE, NOLAN & TILDEN
ELIZABETH TURNER	(DEC)...	
BETTY A SEARCY	(TP)...	HARTNELL HORSPOOL & FOX
BRYAN C HARTNELL	(HARTNELL HORSPOOL & FOX)...HARTNELL

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account and for Final Distribution
Accounting period: 1/6/03 – 8/4/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner requesting statutory commission of \$8624.43. Ok
2. Attorney requesting statutory fees of \$8624.43. Ok
3. Attorney requesting extraordinary fees of \$7045.00 in performing services related to the real property sale (\$2618), heirship proceeding (\$1833), negotiating payment of annuity benefits relating to settlement of worker's comp. claim from decedent's sons estate (\$2594). The court may wish to inquire whether the annuity collection should be an ordinary service for marshaling assets covered by statutory compensation. However, CRC 7.703(c) allows this fee request if there were "extraordinary efforts to locate estate assets". Please file verified supplement as to extraordinary efforts.

RECOMMENDATION:

RFA subject to #3. Once approved, set hearing for filing of receipts and final discharge for 12/2/05.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05199

CASE NAME: EST OF OSCAR JAMES RENDON

HEARING:

FIRST AND FINAL Account and Report of MARIA ESTHER RENDON and
Petition for allowance of fees filed.

COUNSEL:

MARIA ESTHER RENDON (PET)...PRO/PER
OSCAR JAMES RENDON (DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Report on Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives statutory compensation as administrator
2. Petitioner requests distribution of the estate to her as sole beneficiary
 (decedent's 4 adult children have all executed assignments of their interest
 in the estate)

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 12/2/05

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05284

CASE NAME: MTTR OF FRED & DORIS BONNER FAMILY TRUST

HEARING:

FIRST AND FINAL Account and Report of DEBRA G EARLE and Petition
for allowance of fees filed.

COUNSEL:

FLOYD A GILBRETH (PET)...PRO/PER
DEBRA G EARLE (TEE)...DENNIS M ASSURAS

GENERAL INFORMATION:

This case is on calendar today for: 1st & final account & report & petition for fees of
Trustee; continued from: 03/05/04

On 4-9-04, court continued again. Nothing new filed

Continued from 6-25-04. Amended accounting filed

Continued from 8-27-04 per stipulation of parties. Nothing new filed.

**Continued from 10-8-04. Court informed parties are stipulating to have IVAMS
mediate the issue of the 1st & Final Accounting. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Original accounting filed on 1-20-04. Starts with assets on hand as of 7-30-00.
Amended accounting goes back to 2-2-96 for assets on hand.
2. Objection filed on 4-2-04 by Floyd Gilbreth.
3. Amended accounting filed on 7-23-04. Need to file proof of service and notice
of hearing. The accounting does dispose of several issues raised by the
objection, such as providing copies of bank statements and tax returns.]
4. Original accounting requested fees of \$16,549 for trustee. Amended accounting
requesting trustee fees of \$107,000. Filed declaration to explain why trustee
believes she is entitled to fee of \$107,000. Claims she was advised by an
attorney that she could take a reasonable fee and so paid herself. Claiming
fees for care given to Fred Bonner (trustor). Need explanation as to why

services would be for trustee. Seems to be personal services, which would be a different type of debt. Successor trustee took over the trust in 2000.

5. Accounting still deficient in that checks written are not described. To state "Check #7522 for \$3114.50" is not a sufficient detail. File a copy, front and back, of all checks listed in the accounting.
6. Trustee has already paid herself a large amount of fees.
7. Attorney seeking approval of the \$7000 paid to him by trustee as fees. Attorney has not filed any documentation to support the fee.

RECOMMENDATION:

Set the matter for trial. Instruct successor trustee that for every check (back and front) not provided to the Court at trial, the court will determine that the money was not spent for trust purposes unless other evidence is presented and put successor trustee on notice that she could be personally liable for a substantial surcharge if the evidence supports such a finding.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05439

CASE NAME: EST OF CARL BENNETT JONES

HEARING:

FIRST AND FINAL Account and Report of DEBORAH JONES and Petition
for allowance of fees filed.

COUNSEL:

DEBORAH JONES (PET)...WILKINSON & WILKINSON
CARL BENNETT JONES (DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account and for final distribution
Accounting period: 4/21/03 – 5/14/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to have a receipt and release from creditor MBNA for partial payment of creditor's claim in the sum of \$7174.70 in full payment of their claim (not attached as alleged).
2. Petitioner requests statutory commission of \$7500. Ok.
3. Petitioner requests reimbursement of \$5430.22. The reimbursement request includes a bond fee of \$364.51 and bond was not required. Petitioner also requests reimbursement of airport parking and airline tickets totaling \$131.84. Per local rule 909 parking fees and ordinary mileage are a part of overhead and should be absorbed in commissions. Court should determine whether this request is part of overhead. Petitioner also requests reimbursement of ½ of the 2002 taxes paid in the amount \$2850 and estimated a tax penalty of \$1000. However, petitioner alleges in the petition (page 2, line 22) that no income taxes were due or payable by the estate. This is a conflict. If this is a proper reimbursement, then a verified supplement is needed to correct the tax allegation in the petition.
4. Attorney requests statutory fees of \$7500. Ok.

5. Attorney requests extraordinary fees of \$2124. Billed at \$250/hour for 5.3 hours of services related to the sale of real property. Itemized. JTD
6. Attorney requests reimbursement of costs of \$851, less \$250 received on deposit for a total request of \$601. Itemized. JTD
7. Petitioner requests authority to reserve \$1000 for closing expenses. Ok
8. Proposed Order not submitted.

RECOMMENDATION:

RFA subject to 1, 3 and court's determination of extraordinary fees and reimbursement. Once approved, set hearing for filing of receipts and final discharge for 12/2/05

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05455

CASE NAME: EST OF LAWRENCE VINCENT WESTEN JR

HEARING:

Petition for FOR ORDER APPROVING THE SALE OF DECEDENT'S INTERES
IN THE GENERAL PARTNERSHIP KNOWN AS THE TARTAN

COUNSEL:

LAWRENCE WESTEN III (PET)...BRUNICK BATTERSBY MCELHANEY &
LAWRENCE VINCENT WESTEN JR (DEC)...
ROBIN WESTEN (TP)...GRESHAM SAVAGE NOLAN & TILDEN

GENERAL INFORMATION:

This case is set for hearing on Petition for Order Approving Partnership Interest of Estate
(PC 9880 et seq)

Continued from 10/1/04 – Objections filed by Robin Westin (surviving spouse of decedent)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Notice OK.
2. The appraised value of the partnership was \$115,000. Requesting sale for \$29,234.12. Petition states that the appraisal did not take into account the minority interest (1/3) and that the restaurant business has declined since date of death.
3. Petitioner/executor is a partner in the business. Partnership interest bequeathed to him in will, but omitted spouse is entitled to 1/3.
4. No documentary evidence provided to support the claim as to value. The discrepancy in value from the appraisal is very significant and should be supported by some type of evidence, so that the interests of the spouse are protected. Filed Balance Sheet. Court to consider when determining whether sale price is reasonable.
5. Objector alleges that petitioner did not "purchase the interest of the deceased Partner in the Partnership" within "120 days from the date of death

of the deceased partner.” Petitioner further alleges that the purchase price determined under paragraph 17 of the Partnership Agreement does not apply and the interest of the deceased Partner should be purchase at its fair market value.

RECOMMENDATION:

Court to set matter for contested hearing. Court may wish to send parties to IVAMS for mediation re: partnership valuation issue

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05528

CASE NAME: EST OF ELSA LONERGAN

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

TAD EMERY LONERGAN (PET)...WATTS & GRAY
ELSA LONERGAN (DEC)...
DONALD WALTON CHRISTENSEN (PET)...MITCH C. WALLIS

GENERAL INFORMATION:

This case is set for hearing on Status and Petition for Letters
Tad Lonergan (son) filed Petition for Administration. Objection filed by Shirley Lonergan-
Higgins (daughter). Will appears to exist, even though original petition indicated not.
Parties agreed that Public Administrator would serve with limited authority until general
appointment made. PA filed motion to reconsider the appointment, as notice not given to
PA. Court granted that motion on 7-30-04. Appointment vacated.

Continued from 9/10/04 at parties request to attempt to resolve issues.

**Need to rule upon Petition for Letters of Administration and competing Petition for
Probate of Will filed by Donald Christensen.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

Christensen Petition:

1. Will waives bond.

Lonergran Petition:

1. Wants to administer estate, without will. Does petitioner wish to continue
with the petition to administer? Is petitioner intending to file a will contest?

RECOMMENDATION:

Christensen Petition can be granted. Need to resolve question of Lonergran petition.

Once approved, need to set hearing for the filing of the Inventory & Appraisal for 6/16/05 and for the hearing on the Accounting and/or Status Report for 1/27/06. Accountings to be filed 30 days in advance. Note local rule regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05555

CASE NAME: EST OF FLOYD BOOKER

HEARING:

FIRST & FINAL Account and Report of WALTER D ELSE and Petition
for allowance of fees filed.

COUNSEL:

WALTER D ELSE	(PET)...	SIDNEY W JONES
FLOYD BOOKER	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on First and Final Account

Continued from 5-7-04

Supplement filed, letters attesting that petitioner was held out to be "nephew".

Continued from 7-16-04 & 9-24-04 to file Points & Authorities. Not filed yet.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Question whether the claim of Walter Else as heir is correct under rules of intestate succession. Decedent has no surviving parents, divorced or never married, no children. Claim is being made as Walter Else's father had a joint tenancy relationship with the decedent, and Walter was referred to as the decedent's nephew. But no blood relationship. Did decedent have any siblings? Petition indicates not, but Attachment 8 not specific. There appears to be no blood relationship between decedent and Walter Else. Need to file Points & Authorities to support the contention that a non-blood nephew (not a legal kin under the Probate Code for purposes of intestate succession) can inherit under intestate succession if the decedent thought of or called this person a "nephew".
2. Supplement filed by attorney, stating that his client has told him that he has been recognized by Social Security as the "nephew", along with the Bank and State of California. [Assuming that this was evidence, this does not

negate the fact that the petition discloses that Mr. Else is not actually the nephew.]

3. Supplement suggests that the Court use the “foster child” situation as an analogy. PC 6454 However, a review of PC 6454 requires that not only must one have the familial type of relationship, but there must also be clear & convincing evidence that the person would have adopted him but for a legal barrier. Supplement fails to address this requirement. This theory doesn’t work for the petitioner, as presented.
4. Supplement also suggests that the Court proceed on the basis of equitable adoption, where the right to inherit is based upon “contract” (express or implied agreement to adopt) In the case cited by petition (Estate of Wilson 1980) 111 Cal. App.3d 242, the “child” was told he was adopted by his foster parents, which was untrue as the mother did not consent. He used the same last name, never told he wasn’t adopted, and treated like a son. The situation here is not that similar, in that there is no direct parent relationship, nor is there any evidence that the decedent expressly or impliedly agreed to adopt the petitioner.
5. Supplement suggests that court’s equity is best served by allowing the petitioner, who believed he was the nephew to inherit, rather than the State of California.
6. **A Further Reply to Probate Notes is filed by petitioner alleging that because of the Power of Attorney appointing him attorney-in-fact, that Wells Fargo Bank recognized petitioner as a nephew allowing accessed to a safe deposit box and that petitioner is named on an Irrevocable Assignment of mortuary benefits, together with the fact that petitioner’s deceased father and the decedent herein had a 35-year relationship, that it was understood by family, friends and acquaintances that petitioner was the nephew of decedent. The balance remaining for distribution is the sum of \$43,000 which should be distributed to petitioner as nephew of decedent.**
7. Sole asset of estate was sold for \$165,000. It appears that bond was originally waived due to the “sole heir’s” waiver. If he is not the heir, then Court may wish to order bond while this matter is being resolved.
8. Statutory fee of \$5950 requested for attorney.
9. No statutory fee requested by petitioner. If he is not the heir, does he wish the fee?
10. Will need to file bank statements and full accounting if he is not the heir.

RECOMMENDATION:

Court may wish to require that the State of California be given notice of this proceeding prior to ruling upon the distribution.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05591

CASE NAME: ESTATE OF HAROLD W TAYLOR

HEARING:

Petition for TO AUTHORIZE SETTLEMENT OF BURLINGTON NORTHERN
SANTA FE CLAIM

COUNSEL:

PATRICIA GAE GUNTHER (PET)...RICK J FENELLI
HAROLD W TAYLOR (DEC)...
LINDA CLASEN (TP)...HARTNELL HORSPOOL & FOX

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05621

CASE NAME: EST OF VIRGINIA D MILLAN

HEARING:
Probate status report filed.

COUNSEL:
JOE MILLAN (PET)...ELISABETH KEMPE-OLINGER
PRISCILLA CARDOZA (PET)...ELISABETH KEMPE-OLINGER
VIRGINIA D MILLAN (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:
This case is set for hearing on Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need Notice of Hearing and proof of service
2. A request to continue the administration of the estate for one year has been
 made in order to liquidate the real property.

RECOMMENDATION:
Need notice.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05630

CASE NAME: EST OF DOROTHY ARNOLD HANSEN

HEARING:

FIRST Account and Report of JOSEPH E BERBERICH and Petition for allowance of fees filed.

COUNSEL:

JOSEPH E BERBERICH (PET)...MANNING LEAVER BRUDER & BERBER
DOROTHY ARNOLD HANSEN (DEC)...
AMERICAN CANCER SOCIETY (TP)...PHILLIP R SAMRICK
HEIR BUYOUT COMPANY (PRO/PER)...PRO/PER
AMERICAN HEART ASSOCIATION (PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on 1st Account and for preliminary distribution
Accounting period: 11/9/03 – 9/14/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner requests authority to make a preliminary distribution of the estate totaling \$20,925,000, **approximately 65%** of the assets on hand which are reflected in Schedule E of the accounting at \$32,902,295.31 **PC 11623 limits the distribution to 50% net value (after creditors but not including estate tax lien). Court also has the option of requiring a preliminary distribution bond to be posted by preliminary distribute if there is any concern regarding having sufficient assets for creditors. PC 11622.**
2. Under PC 11621, court must inquire where the distribution can be made without loss to creditors. Petitioner alleges all creditor's claims have been paid and the claim from Mountains Community Hospital filed 2/20/04 has been withdrawn. However, there is a question regarding the payment of taxes. (See note 4)
3. The estate is not in a condition to be closed as there are two ancillary probate proceedings pending, one in Iowa and one in Texas.

4. The federal estate tax return has not been filed but is due on 2/9/2005. Estimated tax payments have been made to the US Treasury (\$1,091,760) and to the California State Treasury (\$103,440). Estimated inheritance taxes of \$1250 have been paid to the Iowa Dept. of Revenue and \$70 to the Texas Comptroller of Public Accounts. Petitioner alleges that the estimated taxes paid will be very close to the amount due on the estate/inheritance tax returns. **However, this estate's inventory value was \$34,056,196.34 (and does not include of the values of the properties in Iowa and Texas). Even with the GST Exemption (generation skipping tax) and credits for costs of administration, it appears that the estimated payments may be low. File verified supplement to address issue of estimated tax payments.**
5. There is no statutory fee request at this time.

RECOMMENDATION:

File verified supplement regarding extent of expected tax liability and as to why the Court should distribute more than 50%, in contradiction of PC 11623.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05694

CASE NAME: EST OF HELEN ODELIA BRANDY

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

DEBORAH DENISE BRANDY (PET)...ARTHUR O MORRIS
HELEN ODELIA BRANDY (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Report of Sale **by Petitioner to Petitioner (heirs filed consent).**

Continued from 10/8/04 to obtain re-appraisal on property. Not filed yet.

Address 1484 West 9th Street, San Bernardino ANP 0139-174-50-0-000

Appraised value **\$130,000. This is the value as of date of death of 8-17-03. Since this appraisal valuation date was more than one year old, need to file re-appraisal for sale. PC 10309(a)(2)**

Sale price **\$130,000 Need re-appraisal**

First overbid **\$137,000**

Deposit **\$13,000 OK**

Commission **5% to Grand Realty. OK**

Additional bond **\$100,000 additional**

Reason for sale **for administration**

Exposure to market **MLS, internet.**

Notice **Need to file notice of hearing.**

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05702

CASE NAME: EST OF RUDOLPH STEVEN SANDERS

HEARING:

Petition for FOR ORDER DIRECTING DELIVERY OF PERSONAL PROPERTY

COUNSEL:

REBECCA S WIMBS (PET)...RONALD W ASK
RUDOLPH STEVEN SANDERS (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Order Directing Delivery of Personal Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petition alleges decedent's significant other (Teresa Mariscal), who is a stranger to the decedent, is living in the real property and continues to retain possession of personal property of the estate after demand upon her.
2. The petition alleges that a copy of decedent's death certificate is attached as Exhibit A. However, Exhibit A is a copy of the marriage certificate between the decedent and Teresa Mariscal. The petition further alleges that Teresa Mariscal's former marriage was not previously dissolved, however, the marriage certificate was issued 2/14/95. Was Teresa Mariscal's former marriage dissolved prior to 1995? File verified supplement to explain conflict of statements in the petition.

RECOMMENDATION:

File verified supplement.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05712

CASE NAME: MTR RE RICHARD EARL SCRITCHFIELD

HEARING:

Waiver of account and for final distribution.

COUNSEL:

KRISTY NAGLE (GP)...BRUNICK BATTERSBY MCELHANEY &
RICHARD EARL SCRITCHFIELD (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Account and for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need Notice of Hearing and proof of service
2. Inventory & Appraisal lists Citibank account. However, no copy of bank statement has been filed to establish date of death balance. File copy of bank statement per local rule 908.
3. Petitioner waives her statutory compensation.
4. Attorney requests statutory fees of \$17,335.91, waiving their statutory fee on the gain on sales of real property. (Page 3 of the petition lists an incorrect statutory fee request of \$23,590.55, but the correct amount is reflected in the computation of fees and the prayer.) Ok as to \$17,335.91.
5. Attorney requests reimbursement of costs advanced of \$472.19. Itemized.

RECOMMENDATION:

RFA subject to 1 & 2. Order being returned to be corrected as to statutory compensation.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05748

CASE NAME: ESTATE OF LOIS R MOORE

HEARING:

Petition for FOR FINAL DISTRIBUTION TO HEIRS WITHOUT AN ACCT ETC

COUNSEL:

DAVID CRAIG MOORE (PET)...SWARNER & FITZGERALD
LOIS R MOORE (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Final Distribution and Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives statutory compensation
2. Attorney requests statutory compensation of \$7276.30. Ok
3. Petitioner requests withholding reserve of \$2399.59 for final tax returns and closing costs. Ok
4. Need copies of investment account statements verifying balance of cash on hand per local rule 908.

RECOMMENDATION:

RFA subject to 3. Once approved, set hearing for filing of receipts and final discharge for 12/2/05.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05760

CASE NAME: ESTATE OF OLIVIA M. WEBER

HEARING:

Waiver of account and for final distribution.

COUNSEL:

MARY JANE BORASH (PET)...JOHN M RAGER
OLIVIA M. WEBER (DEC)...
DEPT. OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Waiver of Account and for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file Notice of Hearing and proof of service
2. Need Graduated Filing Fee Statement per CRC 7.552
3. Petitioner requests statutory commission of \$6295. Ok
4. Attorney requests statutory fees of \$6295. Ok
5. Attorney requests reimbursement of costs advanced of \$672.80. Itemized.

RECOMMENDATION:

RFA subject to 1. Once approved, set hearing for filing of receipts and final discharge for 12/2/05

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05875

CASE NAME: ESTATE OF PIEDAD GUEVARA

HEARING:

Petition for VERIFIED PETITION TO ENFORCE TRANSFER OF PERSONAL
PROPERTY OR IN THE ALTERNATIVE TO APPROVE ETC

COUNSEL:

DAVID REAPE	(PET)...GREENBERG & BASS
PIEDAD GUEVARA	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Enforce Transfer of Personal Property, or in the alternative, To Approve Creditor's Claim (based upon contract entered into by decedent with J G Wentworth to sell portions of the decedent's annuity)

Continued from 8-20-04 at request of counsel

Continued from 9-24-04 because needed a legible copy of agreement. Filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Decedent died intestate on 10-15-03. Prior to that time, she had entered into multiple agreements with J G Wentworth to buy portions of her annuity from Executive Life Ins. Co. of New York.
2. Decedent also signed "Testamentary Agreement" wherein she agreed to acknowledge these agreements in her will. No will.
3. Wentworth, as creditor, was issued letters of administration.
4. Wentworth alternatively seeks approval of its creditor claim. However, claim has no dollar figure on it. **Supplement filed. Total requested is \$451,696.89**

RECOMMENDATION:

None. Need proposed order.

Court may wish to vacate the 12-17-04 hearing for filing of the Inventory& Appraisal, as the I & A has been filed.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05893

CASE NAME: ESTATE OF DOLLY M. SAFFEL

HEARING:

Waiver of account and for final distribution.

COUNSEL:

JO ANNE CARLSTROM (PET)...ELISABETH KEMPE-OLINGER
DOLLY M. SAFFEL (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Account and for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner's statutory commission of \$7348.80 is set forth on page 4, lines 20-24. However, the title of the petition states that petitioner's statutory commissions is being waived. File verified supplement to include petitioner's waiver of statutory commission.
2. Attorney requests statutory fees of \$7348.80. Ok
3. Petitioner requests confirmation of a preliminary distribution of the 1993 Mercury Sable to Wilma Henning. Receipt on file
4. The specific bequest of decedent's tole picture of an owl was delivered to Alfred Wm. Huddleston, Jr. pursuant to the Will. Need to file receipt.

RECOMMENDATION:

RFA subject to 1 and 4. Once approved, set hearing for filing of receipts and final discharge for 12/2/05.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05941

CASE NAME: EST OF SHIRLEY LEE ALBERTS

HEARING:
Petition to determine succession to Real Property

COUNSEL:

GLORIA ALBERTS	(PET)...EDWARD A TRABIN
DOUGLAS E ALBERTS	(PET)...EDWARD A TRABIN
EDDIE RAY ALBERTS	(PET)...EDWARD A TRABIN
DANIEL S ALBERTS	(PET)...EDWARD A TRABIN
ENRICO J J ALBERTS	(PET)...EDWARD A TRABIN
SHIRLEY LEE ALBERTS	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

Continued from 7/9/04, 8/20/04 & 9/24/04. No appearance. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Did not complete box 9a3. Are there issue of predecease child?
2. **Need current Judicial Council form for I & A. This is a mandatory requirement.**

RECOMMENDATION:

Cannot be approved until notes 1-2 cleared.

If no appearance, dismiss without prejudice.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05963

CASE NAME: ESTATE OF WILLIE ANDERSON

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

JERRY L ANDERSON (PET)...PRO/PER
WILLIE ANDERSON (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, full authority
Continued from 9/24/04 to clear probate notes

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Has not paid filing fees. Court rejected waiver request. Did order installment payments of \$50 per. Has not made first payment. Court should not hear matter until the first payment made. **Still no payment as of October 29, 2004**
2. Need to file Notice of Petition to Administer Estate.
3. Need proof of subscribing witnesses, as will is not self-proving. This is not a holographic will.
4. Will waives bond.
5. Petition incorrectly states that no executor is named in will. Petitioner is one of the named executors. Court may correct by interlineations.

RECOMMENDATION:

Need to pay filing fees. Once paid, RFA subject to 2 & 3. Once approved, set hearing for filing of Inventory & Appraisal for 6/17/05. Set hearing for status report and/or accounting for 1/27/06. Accountings to be filed 30 days in advance. Note local rules regarding filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05975

CASE NAME: ESTATE OF JUANA V PORTILLO

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

HECTOR VELAZQUEZ (PET)...PRO/PER
JUANA V PORTILLO (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, with full authority
Continued from 8-6-04. Spanish Interpreter was present at last hearing.

Continued from 9/24/04 to comply with notes re: Will

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Will is not self-proving, due to a defect in the witness signatures. Attorney who prepared Will filed a declaration on 10-22-04. The witnesses who signed the Will are no longer employees of the attorney and she does not know how to locate them. (No information given regarding any attempt to locate the witnesses; question as to the attorney responsibility to keep current information on employees she directs to sign Wills)
2. Attorney states that she was present when the witnesses signed the will and when the testator signed the will. This statement is insufficient to prove the Will under PC 6110, as the attorney is not presenting evidence as to whether the witnesses properly signed. Need to follow PC 8221 when the subscribing witnesses are unavailable.
3. PC 8221 provides that the witnesses must be unavailable per Evidence Code 240 (dead or ill per doctor; absent and the proponent has exercised reasonable diligence to procure attendance) There has been no evidence presented to show that the witnesses are "unavailable". Must file additional evidence.

4. Once the witnesses are proved unavailable, still must comply with balance of PC 8221.
5. Will waives bond.

RECOMMENDATION:

Must clear notes regarding proving Will per Probate Code Section 8221.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS05999

OFF CALENDAR – filing fees paid 10/1/04

HEARING:
OSC re: PROOF OF PAYMENT RE FILING FEES

COUNSEL:
STEPHEN L PRICE SR (PET)...PRO/PER
FAE M HARRIS (PET)...PRO/PER
STEPHEN L PRICE JR (DEC)...

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06010

CASE NAME: MTR OF MARGARET R LAGUE

HEARING:

Petition for Probate of Will and Letters with limited authority
IAEA.

COUNSEL:

DONNA R LAGUE (PET)...PRO/PER
MARGARET R LAGUE (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, with limited authority
Continued from 8-20-04. No appearance.

Continued from 9/24/04 to re-publish notice of petition to administer estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Will waives bond. However, executor is a non-resident. Since this is a request for limited authority, minimum bond of \$10,000 would be sufficient. Beneficiaries signed waiver of bond.
2. Filed proof of publication that gave court hearing date as 9-20-04, which is incorrect. Must re-publish, as court is without jurisdiction without proper notice. **Still need correct publication.**

RECOMMENDATION:

RFA subject to 2 and Court's decision on bond. Once approved, set hearing for filing of Inventory & Appraisal for 6/17/05. Set hearing for filing of Accounting and/or Status Report for 1/27/06. Accountings to be filed 30 days in advance. Note local rules regarding filing of bank statements

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06023

CASE NAME: EST OF DAMIEN J P SENKIR

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:

PATRECE L SENKIR	(PET)...E. JOAN NELMS
DAMIEN J P SENKIR	(DEC)...
DEBORAH SENKIR	(OBJ)...ROBERT A KRASNEY

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, full authority

Continued from 9/10/04. Objections filed by Attorney Krasney for Deborah Senkir

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Court issued letters of special administration ex parte on 7-29-04.
2. Need to name children in petition and provide notice to them. (See 6a3).
3. May need to name parents and siblings, if no will. (See next note)
4. Will does not qualify as formal will since not witnessed and notary was not a witness to signing (did it a year later). Not a holographic will as the dispositive provisions are not in the handwriting of the testator. Need to file Ps & As to support will. **Otherwise, will cannot be admitted for probate and petition, as is, cannot be granted. Would need to have petition for administration under intestate succession.**
5. **Subsequently, a Proof of Subscribing Witness was filed by Petitioner Patrece Senkir. This witness claims that he failed to sign the document, although he witnessed the testator sign it and that he said it was his will.**
6. **Problems with Proof of Subscribing Witness:**

- a. In order to be a witnessed will, need to comply with PC 6110. There has to be TWO witnesses present. This “Proof” does not establish that fact, or the other elements of Section 6110.
 - b. Since there appears to be a contest, then the Will cannot be proved by only one witness testimony. PC 8220. Therefore, this one “Proof” still does not legally establish the Will.
- 7. Objections are by Deborah Senkir alleging herself to be the true surviving spouse of decedent as no dissolution was filed by herself or by decedent. Petitioner Patrece Senkir claims to be the true surviving spouse. Petitioner further alleges that petitioner Patrece Senkir lacks status to petition the court as surviving spouse because the marriage certificate was false, or such marriage between decedent and Patrece occurred after the valid registered marriage certificate between objector and decedent. Further on 8/18/03 objector filed an action against the prospective estate for cancellation of Deed, Quiet Title on Fraud in taking the real property at 16570 Iris Drive, Fontana (Case No. SCVSS 106815). A default judgment was obtained 5/19/04. (The court’s register of action, however, shows that this default judgment was set aside on 9/30/04 and Patrece Senkir was added as a defendant and her answers to said complaint filed 9/30/04. Question whether this Court has jurisdiction over the estate on what appears to be the only asset of the estate until the civil case has been resolved.)

RECOMMENDATION:

None

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06058

CASE NAME: RE TRUST & WILL OF MARGARET L SILVA

HEARING:

Petition for TO DETERMINE VALIDITY OF TRUST & WILL OR TO DTRMN
VALIDITY OF TRUST PROVISION ETC

COUNSEL:

MARGO DIANE DELGADO (PET)...DONALD E STEVENS
ARTHUR DELGADO (PET)...DONALD E STEVENS
RUDY L SILVA (TP)...WILSON,BORROR, DUNN & DAVIS
MARIO L SILVA (WILSON,BORROR, DUNN & DAVIS)...WILSON,BO

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Validity of Purported Trust and Pour Over Will, or in the alternative, to Determine Validity of Trust Provision, for Relief from Breach of Trust, to Impose Constructive Trust, and for Declaratory Relief.

The Will has not been filed for probate and therefore, this is not a Will contested (a will contest can only be brought upon the time of the petition for probate or within 120 days after the Will's admission). The code sections referenced by petitioner are 16420 and 17200 relating to validity of the Trust and breach of the Trust alleging the trustee wrongfully disposed of property and has not distributed one-third of the trust to petitioner's children according to the Trust's terms.

Petitioner alleges the decedent's trust entitled the "Margaret Silva Living Trust" and Pour-over Will executed on 7/13/01 was procured by respondents Rudy L. Silva and Mario Silva by undue influence and violated the no-contest clause of decedent's Will dated 10/15/92 and broke the contract of making a Will between decedent and her predeceased spouse. Petitioner further alleges that the decedent lacked the capacity to sign the Living Trust suffering physical, mental and emotional problems after the death of decedent's predeceased spouse on or about 2/23/1999, a hip fracture and a debilitating stroke. Additionally, petitioner alleges respondents took over decedent by obtaining title to

decedent's real property at 1400 Grand Avenue, Colton, on 10/17/01, finances, and have not made any distributions to petitioner's children under the 7/13/01 trust.

Response by respondents filed alleging that decedent's Will dated 10/15/92 was revoked in it's entirety. Respondents further allege that at the time of decedent's death, she owned no probate assets and that the Margaret L. Silva Living Trust was not funded and contains no assets. Respondents allege that decedent furniture, furnishings and personal property were given to him (Rudy) at the time decedent deeded her property to him on 10/17/01. Respondent further alleges that petitioner fails to state a cause of action that decedent's Will was a contract per PC 21700 and that the contract is invalid under CC 1624(a)(1). Respondents request attorneys' fees and costs of suit.

Arthur Delgado is the court-appointed GAL for Ezekiel Delgado & Kayla Delgado, minors

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. No evidence to support decedent lacked capacity to sign the Living Trust

RECOMMENDATION:

Set matter for Evidentiary Hearing

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06062

CASE NAME: EST OF DOLORES LEONE SCHLEY

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

SHERRY LAYMAN (PET)...SKORETZ & CHURCH
DOLORES LEONE SCHLEY (DEC)...
JOHN F SCHLEY (TP)...GENE L OSOFSKY

GENERAL INFORMATION:

This case is set for hearing on Amended Petition for Letters of Administration, full authority
Continued from 10/8/04 because notice was insufficient.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Letters of Special Administration issued on 8-24-04.
2. Will waives bond.

RECOMMENDATION:

RFA . Set hearing for filing of Inventory & Appraisal for 6/17/05. Set hearing for filing of status report and/or accounting for 1/27/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06070

CASE NAME: MTR OF JULIA MAE WEAVER

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
NANCY SIEBERT (PET)...MARSHALL C SANDERS
JULIA MAE WEAVER (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration, full authority
Continued from 10/1/04 at request of Attorney Sanders

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Need to file Confidential Supplement to Duties & Liabilities.
2. Need to file proof of due publication.
3. Need to file Notice of Petition to Administer Estate.
4. Requesting "minimum" bond. Bond needs to be \$100,000 (value of estate
and requesting full authority). Also, the petitioner is not a California resident.

RECOMMENDATION:

RFA subject to 1-3. Bond of \$100,000. Once approved, set hearing for filing of Inventory & Appraisal for 6/17/05. Set hearing for filing of status report and/or accounting for 1/27/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06143

CASE NAME: ESTATE OF YSIDRO A GONZALES

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

REUBEN GONZALES (PET)...SHORE & WURM
YSIDRO A GONZALES (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate and for Letters Testamentary w/full
authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Temporary letters issued 10/19/04
2. Need to file Notice of Petition to Administer Estate and proof of service
3. Need proof of publication
4. Will waives bond.

RECOMMENDATION:

RFA subject to 2-3. Once approved, set hearing for filing of Inventory & Appraisal for
6/17/05. Set hearing for filing of status report and/or accounting for 1/27/06. Accountings
to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06144

CASE NAME: ESTATE OF VIRGINIA D. MURRAY

HEARING:
Petition to determine succession to Real Property

COUNSEL:	
WILLIAM F MURRAY	(PET)...PRO/PER
JOHN T MURRAY	(PET)...PRO/PER
SUE A BROWN	(PET)...PRO/PER
SHARON D ROGERS	(PET)...PRO/PER

GENERAL INFORMATION:
This case is set for hearing on Petition to determine succession to real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Procedurally complete. Order being returned so parties can list addresses of persons receiving an interest in decedent's property.

RECOMMENDATION:
RFA.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06145

CASE NAME: ESTATE OF RAYMOND N WILLIAMS

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
LAWRENCE A DEAN II (PET)...HARTNELL HORSPOOL & FOX
RAYMOND N WILLIAMS (DEC)...

GENERAL INFORMATION:
This case is set for hearing on Petition for Letters of Administration W/WA w/full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need Proof of Publication
2. Need declinations and/or nominations from beneficiaries as beneficiaries have priority over petitioner per PC 8441(b)
3. Need Proof of Subscribing Witness as Will is not self-proving (CCP 2015.5)
4. Need bond of \$470,000. Petition requests \$450,000 bond which is too low. Court will need to amend order to reflect higher bond.

RECOMMENDATION:
RFA subject to 1, 2, & 3 Once approved, set hearing for filing of Inventory & Appraisal for 6/17/05. Set hearing for filing of status report and/or accounting for 1/27/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06146

CASE NAME: EST OF SALLY ANN CHILDERS

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JOE CHILDERS (PET)...PRO/PER
SALLY ANN CHILDERS (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Admin. w/Full Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Special Administration letters issued ex parte on 10-20-04.
2. Bond waived by heirs
3. Need proof of publication

RECOMMENDATION:

RFA subject to 3. Once approved, set hearing for filing of Inventory & Appraisal for 6/17/05. Set hearing for filing of status report and/or accounting for 1/27/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06148

CASE NAME: MTR OF JASON CALDER LANGE

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ROBERT C LANGE (PET)...MCPETERS MCALEARNEY SHIMOFF &
JASON CALDER LANGE (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Admin. w/Full Authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petition states that the two heirs waive bond. However, no waivers filed.
 One of the heirs is the petitioner, so his waiver can be made by the petition.
 Still need waiver signed by Ann Lange. Otherwise, bond should be \$80,000.
2. Need proof of publication

RECOMMENDATION:

RFA subject to 1 & resolution of bond. Once approved, set hearing for filing of Inventory & Appraisal for 6/17/05. Set hearing for filing of status report and/or accounting for 1/27/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS06149

CASE NAME: EST OF PEARL C F ASHURST

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

JUDITHMARIE ANN GARD (PET)...KAREN
PEARL CELESTE F ASHURST (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/full authority
under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Box 6(a)(2) is checked as decedent is survived by a domestic partner, but no
 such domestic partner is named in Section 9. Need verified Supplement or
 amended petition as to whether or not decedent is survived by a domestic
 partner ("domestic partner" means a registered domestic partner and not just
 cohabitation).
2. Need to file Notice of Petition to Administer Estate and proof of service
3. Need to file proof of publication

RECOMMENDATION:

RFA subject to 1, 2 & 3. Once approved, set hearing for filing of Inventory & Appraisal for
6/17/05. Set hearing for filing of status report and/or accounting for 1/27/06. Accountings
to be filed 30 days in advance. Note local rules regarding the filing of bank statements

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HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 8:30 DEPT: S5

CASE #: SPRSS55617

CASE NAME: IN THE ESTATE OF HERMINE BROCKI

FIRST AND FINAL Account and Report of WILHEIM KIENAST and
Petition for allowance of fees filed.

HERMINE BROCKI (DEC)...

WILHEIM KIENAST (PET)...HARTNELL HORSPOOL & FOX

KARINA KIENAST (TP)...PRO/PER

MICHAEL NICELY ()...

This case is set for hearing on 1st & Final Account

1. Accounting sets forth sums of cash located. The Attorney declaration verifying the cash sum referenced as item 2 on the Summary of Account conflicts with the actual amount on the Summary of Account. File verified supplement re: cash located at
2. Attorney requesting reimbursement of \$246 in costs for probate. OK
3. Petitioner advanced costs in related litigation (evicting tenant from real property owned by estate), improving the property and clear the lot after the fire. \$10,825.81. The disbursements show that much of the money for the clean up went to family members for labor after the wildfires in 2003.
4. Wilhelm Kienast is the personal representative for the estate of Isle Kienast, the sole beneficiary of the real property.
5. Petitioner requesting statutory commission of \$4075. OK
6. Attorney requesting statutory fee of \$4075. OK
7. Attorney requests extraordinary fees of \$3633. Billed at \$210/hour for 17.3 hours relating to the sale of real property. The court may wish to inquire of attorney that second Attorney Bill Garrett was retained for unlawful detainer

action. The executor paid Attorney Garrett for his services included in the reimbursement request (#2 above). Why are there charges by Attorney Parker for work on unlawful detainer including a court appearance on the unlawful detainer (1.0 hour). Total fees re: unlawful detainer entries are 6.8 hours at \$210/hour for a total of \$1428 (some of which went to advising other heirs of the status of the eviction process). Should this total be deducted from total extraordinary fee request? File verified supplement as to unlawful detainer/eviction charges when Attorney Garrett was retained

8. Petitioner requesting \$60 in extraordinary commission. The services were charged at \$25 per hour for meeting with the potential buyers and the attorney. Itemized. JTD

9. The Will leaves all the property to Isle, except the bank accounts. As there are no bank accounts, that gift lapses. There is also a specific bequest of \$5 to the son in law, Kurt Kienast. This specific bequest must be paid. Also, have to pay interest from 5-7-91 (one year after date of death)

RECOMMENDATION:

Need to clear note 8 and submit new proposed order

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **CONSERVATORSHIPS**

DATE: 11/19/04 TIME: 10:00 DEPT: S5

CASE #: SC SS02486

CASE NAME: MTR RE HELEN M RAIRDEN

HEARING:
Petition for Appointment of Conservator

COUNSEL:

KENNETH SCHMIDT	(CE)...ANNETTE G DE BELLEFEUILLE
HELEN M RAIRDEN	(CTE)...WALTER MOORE

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship of Person, by grandson Court previously issued letters in 2003 for conservatorship of estate; conservatee had nominated her grandson. No bond was required, bulk of assets in a trust. Walter Moore appeared at the first ex parte hearing on conservatee's behalf and the court appointed him.

On 10-14-04, there was an ex parte petition for appointment of temporary conservator of person. Court was informed that conservatee, who was present, objects to having Attorney Moore as counsel. The minute order states that Pro Tem Sturgill-Diaz took that issue under submission. Court needs to now relieve Attorney Moore and appoint a new attorney.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Ex parte temporary conservatorship of person granted.
2. CI report indicates that conservatee objects to any conservatorship, including conservatorship of estate. Need counsel to represent her interests and take matter to trial, if the conservatee so wishes.
3. Court may also wish to revisit the bond issue.
4. Petition is seeking dementia and medical powers. Need medical capacity declaration. A medical report is insufficient.
5. Need to file citation.

6. Need to file proof of service and notice of hearing.

RECOMMENDATION:

Court needs to relieve Attorney Moore and appoint new counsel.

Petitioner needs to clear notes 4, 5 & 6.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:00 DEPT: S5

CASE #: SC SS02679

CASE NAME: MTR RE GRACE M JUDSON

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
BONNIE SALAZAR	(CP)...DALE K BETHEL
GRACE M JUDSON	(CTP)...MELVIN L FRIEDLAND

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person only, by daughter-in-law

Continued from 8-20-04. Court appointed Melvin Friedland for proposed conservatee.

Continued from 10-8-04.

Continued again from 10-18-04 as counsel was still waiting for the medical declaration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Seeking medical and dementia powers. **Will need to file medical declaration to support the request.**
2. Appointed counsel filed report 9-15-04. Recommends conservatorship.

RECOMMENDATION:

Still need medical declaration

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:00 DEPT: S5

CASE #: SC SS02701

CASE NAME: MTR OF JESSICA MARTINEZ

HEARING:
Petition for Appointment of Conservator

COUNSEL:

RAUL MARTINEZ (CP)...HARTNELL, HORSPPOOL & FOX
JESSICA MARTINEZ (CTP)...DANA M. SMITH
CHRISTINA DOMINGUEZ (CPE)...CHRISTOPHER A POULOS

HEARING:
Petition for Appointment of Conservator

COUNSEL:

RAUL MARTINEZ (CP)...HARTNELL, HORSPPOOL & FOX
JESSICA MARTINEZ (CTP)...DANA M. SMITH
CHRISTINA DOMINGUEZ (CPE)...CHRISTOPHER A POULOS

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, competing petitions Raul Martinez, father, obtained ex parte temporary letters on 8-23-04. This petition requests a general conservatorship.

Christina Dominguez, mother, filed petition, too. She is requesting a Limited Conservatorship, as the proposed conservatee has Downs Syndrome. It appears that the proposed conservatee lives with her mother in San Bernardino County. (Petitions filed in LA, but then proposed conservatee moved to our county. In LA, counsel was appointed but the LA court refuses to proceed and so the petitions were filed here.)

Continued from 10-1-04. Case re-referred to FCS. Court appointed Dana Smith as counsel for the proposed conservatee. Current visitation was to remain the same.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

Raul Martinez petition:

1. Requesting medical powers. Will need to file medical declaration.
2. Did not complete box 4c.

Christina Dominquez petition:

1. Need to file citation.
2. Requesting special powers. Please explain the basis of each power requested, so that Court can determine whether the powers are necessary.
3. Requesting medical powers in the petition, but not on the first page. File medical declaration.
4. Need to file proof of service and notice of hearing.
5. IRC report received. Supports general conservatorship of person. IRC does not officially make a recommendation as to which parent is most appropriate. IRC suggested appointment of counsel (already done)
6. At hearing on petition for appointment of limited conservator, court must do the following:
 - a. inquire into the nature and extent of the general intellectual function of the individual alleged to be developmentally disabled.
 - b. evaluate the extent of the impairment of his or her adaptive behavior.
 - c. ascertain his or her capacity to care for self or property
 - d. inquire into the qualifications, abilities and capacities of the person seeking appointment as limited conservator
 - e. if a report by IRC has not been filed in court because the proposed limited conservatee withheld consent to assessment, the court shall determine the reason for withholding the consent. PC 1828.5
7. Petition should be dismiss if the Court finds that the proposed limited conservatee possesses the capacity to care for himself and manage property as a reasonably prudent person.
8. If granted, Court must define the duties and powers for the limited conservator so as to permit the developmentally disable adult to care for self or manage financial resources commensurate with ability to do so.
9. Prior to appointment of the limited conservator, Court must inform the proposed conservatee:
 - a. of the nature and purpose of the limited conservatorship proceeding,
 - b. hat the appointment of a limited conservator for his or her person or estate or person and estate will result in the transfer of certain rights set forth in the petition and the effect of such transfer,
 - c. the identity of the person who has been nominated as his or her limited conservator,
 - d. that he or she has a right to oppose such proceeding, and
 - e. that he or she has a right to have the matter tried by jury. PC 1828.5(f).

9. After communicating such information to the person and prior to the appointment of a limited conservator, the court shall consult the person to determine his or her opinion concerning the appointment.

11. Order must specify the following:

a. The properties of the limited conservatee to which the limited conservator is entitled to possession and management, giving a description of the properties that will be sufficient to identify them.

b. The debts, rentals, wages, or other claims due to the limited conservatee which the limited conservator is entitled to collect, or file suit with respect to, if necessary, and thereafter to possess and manage.

c. The contractual or other obligations which the limited conservator may incur on behalf of the limited conservatee.

d. The claims against the limited conservatee which the limited conservator may pay, compromise, or defend, if necessary.

e. Any other powers, limitations, or duties with respect to the care of the limited conservatee or the management of the property specified in this subdivision by the limited conservator which the court shall specifically and expressly grant.

PC 1830(b)

RECOMMENDATION:

Need to clear notes on each petition, need report from appointed attorney and FCS.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:00 DEPT: S5

CASE #: SC SS02744

CASE NAME: MTR RE DEAN C BATES

HEARING:
Petition for Appointment of Conservator

COUNSEL:
ANNA JOYCE PARKER (CPE)...E. JOAN NELMS
DEAN C BATES (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person & estate, by stepdaughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Temporary order issued 10-20-04. Bond of \$25,000. Counsel (Attorney Nelms) appointed. [Bond has not yet been posted per the ex parte order, so the Temporary Letters have not been issued.]
2. Petitioner needs to complete the Confidential Screening Form. She did not answer Question 15 regarding whether she has an adverse interest to the proposed conservatee. Must complete.
3. Requesting \$100,000 bond. OK
4. Seeking medical and dementia powers. Filed medical capacity declaration. It does support the medical powers. As to the dementia powers, it only supports the placement in a locked facility but it does not comment on need for dementia medications. Therefore, any order signed by the Court must be amended to only give power over placement and not give any dementia treatment powers. If the petitioner is seeking this power too, then need to file an amended medical declaration.
5. Need to file Citation.

6. In 1994, the proposed conservatee executed a Uniform Statutory Power of Attorney. Petitioner, A. Joyce Parker, was nominated in that form by the proposed conservatee.

RECOMMENDATION:

Need to clear notes 2, 4, 5. Bond of \$100,000. Once approved, set hearing for filing of Inventory & Appraisal for 6-17-05. Set hearing for accounting for 1-27-06. Accountings must be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

ACCOUNTINGS

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS00533

CASE NAME: SARAH CRITZER ET AL

HEARING:

Hearing Re: STATUS ON VISITATION.

COUNSEL:

SARAH CRITZER (CTP)...C.L. FARRELL
INLAND REGIONAL CENTER (CP)...J.S. HERMANSON
SAMANTHA CRITZER (CTP)...C.L. FARRELL
GEORGE CRITZER (FAT)...EDWARD B FISCHER
PAULA CRITZER (EDWARD B FISCHER)...EDWARD B

GENERAL INFORMATION:

This case is set for hearing on Status of Visitation

Continued from 5-7-04 per the agreement of the parties. (Agreed visitation had not commenced until April 18, 2004, due to the need to hire two staff to implement the visits.)

Continued from 9/17/04 Regional Center was going to arrange visitations.

Nothing filed re: current status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Agreement reached re: visitation. Two conservatees – Sarah and Samantha. Suffers from epileptic seizure disorder and moderate development disability. Parents (George and Paula Critzer) were the original limited conservators, and then suspended for allegations of abuse. More allegations surfaced, and IRC named as successor conservators. Attempting to reunify with their daughter, visitation agreement reached.
2. Attorney Farrell represents both conservatees.

RECOMMENDATION:

Need status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS01250

See related matter 53A

CASE NAME: IN THE MATTER OF EDWARD V STEWART

HEARING:

Hearing Re: CURRENT ACCOUNTING (TRUST).

COUNSEL:

EDWARD V STEWART	(CEP)...ANNETTE G DE BELLEFEUILLE
CARLA COGGINS	(CPE)...BETTY S.N. AUTON
CRAIG E. WILSON	(TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:

This case is set for hearing on Current Accounting (Trust)

Continued from 8/30/04. Court advised that parties have resolved the issues as to the current accounting on the conservatorship, and are still working on the Trust accounting and accounting to be filed by November.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Background:
 - a. Letters (including dementia powers) issued 10-2-98. Daughter is conservator. Conservatee objected and counsel was appointed. After a thorough review, including examination by a few independent doctors. Court-appointed atty (McGoldrick) was convinced that conservatorship was necessary. A bond of \$15,000 was posted. The original bond of \$700,000 was reduced because it turned out that almost all of the assets were trust property.
 - b. First Accounting filed on 1-9-00 for period of 9-1-98 to 9-21-99. Accounting was approved on 5-9-00. The approval took into account an objection regarding conservatorship fees, as ½ of the requested fees related to services provided in handling the trust paperwork.

- c. Conservatee filed a Petition for Accounting by the trustee – his daughter/conservator. Court granted this petition on 5-9-00 and ordered an accounting filed within 90 days. Because of issues of confidentiality, the trust accounting was filed as “confidential”.
- d. On 5-11-01, the First Trust Account was approved, subject to the filing of a corrected account. It appears that the corrected accounting was filed on 11-16-01.
- e. Conservator was asking to terminate conservatorship of the estate as all the assets could be transferred to the trust. The conservatorship estate started out with \$9020.78 in assets, and so the balance for transfer was not high (after payment of conservator fees of \$5200 and attorney fees). It appears that the request for the termination of the conservatorship assets was granted on 11-16-01, with the court retaining jurisdiction to order accountings in the trust throughout the life of the conservatee.
- f. Second & Final Conservator Account filed on 2-20-02. As of 6-21-02, court had ordered that any objections to the conservator (and two trust accountings) be filed by 6-6-02. None filed and court continued the matter.
- g. On 6-11-02, objections filed by conservatee (court-appointed attorney deBellefeuille, McGoldrick previously relieved). These objections to the Trust Accounting, and not the Conservatorship Accounting.
- h. Amended 2nd Accounting (Conservator) filed on 6-13-03. Although attorneys may have been discussing the 2nd Conservator Account, there does not appear to be any written objections filed (filed for Trust account).
- i. **Trust Accounting at issue:** Second Accounting of Stewart Family Trust filed on 3-14-02. Objections filed on 7-11-02 and Supplement to account filed on 7-31-02. Second Objections filed on 7-31-02. Reply filed. This is the matter which should be heard as “contested”. **Court should keep firm MSC/Trial date with no continuances granted except pursuant to noticed motion complying with CRC 375.**

RECOMMENDATION (Trust Accounting):

Set MSC for next available date. Set trial for next available date.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

See related matter 53

CASE #: SC SS01250

CASE NAME: IN THE MATTER OF EDWARD V STEWART

HEARING:

Petition for ATTORNEY'S FEES 11/19/04

COUNSEL:

EDWARD V STEWART	(CEP)...ANNETTE G DE BELLEFEUILLE
CARLA COGGINS	(CPE)...BETTY S.N. AUTON
CRAIG E. WILSON	(TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:

This case is set for hearing on Petition for Attorney's Fees (Attorney Wilson)

Continued from 9/3/04 as agreement of counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Attorney Wilson requests reimbursement of costs advanced of \$603.84. Itemized. JTD
2. Attorney Wilson requests reasonable attorneys' fees of \$10,781 for services rendered by Annette deBeliefueille from 2/19/02 – 7/23/03 as court-appointed counsel for the conservatee and matters related thereto during the time Attorney deBeliefueille was an associate with Fullerton, Lemann, Schaefer & Dominick. Itemized. File verified supplement as to fees taken by Attorney deBeliefueille (item #3 below) to show fees are not duplicated.
3. The Court on 7/22/04 granted Attorney deBeliefueille a one-time payment of \$4,000 against fees earned but not yet proven and approved by this Court for her services in this matter. The request on this one-time payment of \$4,000 was not itemized by dates due to Attorney deBeliefueille's timeslips

program having crashed. Annette deBellefeuille should file verified Supplement as to what dates this payment of \$4,000 covered.

4. The Court should note that this appears to be an unusual situation and that each of the attorneys in the past have carefully taken fees for work performed against their appropriate time in a given case.

RECOMMENDATION:

File verified supplement (items #2 & 3).

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS01959

See related matter 54A

CASE NAME: MATTER OF ELISA R TAYLOR

HEARING:
Hearing Re: STATUS CONFERENCE.

	COUNSEL:
ELISA R TAYLOR	(CEP)...EDWARD B FISCHER
ARDIS ENRIGHT	(CPE)...PRO/PER
ANTHONY SERRANO	(SC)...PRO/PER

GENERAL INFORMATION:
This case is set for hearing on Status Conference

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Nothing new filed.
2. Will PG accept appointment on this case?

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

See related matter 54

CASE #: SC SS01959

CASE NAME: MATTER OF ELISA R TAYLOR

HEARING:
Accounting Review

	COUNSEL:
ELISA R TAYLOR	(CEP)...EDWARD B FISCHER
ARDIS ENRIGHT	(CPE)...PRO/PER
ANTHONY SERRANO	(SC)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on OSC re: Suspension of Powers
Set on 6-4-04 as Anthony Serrano failed to file bond and I & A Letters never issued
because of lack of bond.

Court also requested CI to do a review of the conservatee. CI report received, indicates that conservatee has high needs and has lined up a replacement conservator. She is living in an assisted living facility and appears to be properly cared for, with the bills timely paid and the current conservator visiting every week. On the basis of the failure to post a bond and get the letters issued, CI concludes conservator not acting in best interest of conservator.

Continued from 7-16-04. Court ordered Anthony Serrano be cited into court for failure to file bond and get letters issued. Need proof of personal service of citation. **Due diligence filed by Professional Assistants stating Anthony Serrano was never home to make service. Can substitute service be done (CCP 415.20)**

Continued from 9/24/04. Court orders the Order appointing Anthony Serrano conservator vacated. The Court appoints Public Guardian as Conservator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Nothing filed by Anthony Serrano.
2. Attorney Fischell, for conservatee, filed notice of ruling from last hearing, per court order.

RECOMMENDATION:

Need proof of personal service of citation on Anthony Serrano. Find out status of whether PG will accept this case.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02011

CASE NAME: MATTER OF RUBY SLONEKER

HEARING:

1ST CURRENT Account and Report of MELODIE Z. SCOTT and Petition
for allowance of fees filed.

COUNSEL:

RUBY SLONEKER	(CTE)...	DONNA STURGILL DIAZ
KENNETH M FONT	(CPE)...	EDWARD B FISCHER
PRISCILLA CALBO	(SC)...	PRO/PER
MELODIE Z. SCOTT	(SC)...	SHERRI L KASTILAHN
C. L. FARRELL	(TP)...	C.L. FARRELL
CAROLYN MARIE SMITH	(PRO/PER)...PRO/PER
AVERY CLARK CALBO	(PRO/PER)...PRO/PER
KENNETH MARK CALBO	(PRO/PER)...PRO/PER
MARK CALBO	(PRO/PER)...PRO/PER
MARIE BUTLER RICHARDSON	()...
PRISCILLA MILLIRON	(PRO/PER)...PRO/PER
JUDY A. MILLER	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on 1st Account
Accounting period: 4/26/03 – 4/30/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Bond in the sum of \$325,000 is sufficient w/some of Gorian Investment accounts remaining blocked
2. Petitioner requests reasonable compensation of for a remaining balance of \$12,581.65. The sum of \$10,462.25 was previously ordered by the court on 8/13/04. Itemized. Billed 401 hours at average of \$57/hour. JTD
3. Petitioner requests payment of periodic compensation of \$500 per month.

4. Attorney Kastilahn requests reasonable fees for the balance of attorneys fees for services rendered to petitioner and the conservatorship of \$11,887.33. The sum of \$9740.67 was previously ordered by the court on 8/13/04. Itemized. Billed 108.15 hours at \$200/hour. JTD
5. Petitioner requests reasonable attorneys fees for Attorney Sturgill-Dias for the balance of attorneys fees as the court-appointed attorney in the sum of \$11,540. The sum of \$10,020 was previously ordered by the court on 8/13/04. Itemized. Billed a107.10 hours at \$200/hour. JTD
6. Petition is not signed by Attorney Kastilahn nor Attorney Sturgill-Dias. Court cannot hear matter until petition is signed (CRC 7.103)

RECOMMENDATION:

Need to clear notes. Once approved set net accounting review for 11/30/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02016

CASE NAME: MATTER OF KAREN MICHELLE CARR

HEARING:

Petition for PETN. TO DISPENSE WITH ACCOUNTING AND TERMINATION
OF CONSERVATORSHIP OF THE ESTATE

COUNSEL:

NELDA K CARR (CPE)...J S HERMANSON
ROBERT M CARR (CPE)...J S HERMANSON
KAREN MICHELLE CARR (CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

This case is set for hearing on Petition to Dispense with Accounting and Termination of Conservatorship of Estate

Continued from 10/1/04 at request of counsel.

States conservatee receives only public benefits payments of \$810 per month, and therefore no need for conservatorship of estate. Conservatee is payee of public benefits.

Court previously waived first accounting. Issue of termination came up because of need for 2nd accounting. Court should note that no I & A was ever filed, verifying the assets of the estate when the conservatorship was started. If there were any assets (bank accounts, real property, personal property of value), then Court will need to know what happened to those assets prior to terminating the conservatorship of the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Suggest I & A be filed and that matter of termination be continued until after the I & A is filed.

RECOMMENDATION:

See note 1.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02219

**THERE ARE SEVERAL RELATED MATTERS & ISSUES ON
THIS CASE BEFORE THE COURT**

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:

Hearing Re: ACCOUNTING.

COUNSEL:

LINDA JOHNSON	(CPE)...C.L. FARRELL
MARIAN DRAYMAN	(CEP)...JAMES B CHURCH
CARYN VELASCO	(OBJ)...PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

Temporary Conservatorship letters issued on 2/17/02 and permanent Conservatorship letters issued on 3/12/04 to Linda Johnson, niece (child of deceased sibling of conservatee). Linda Johnson was also appointed as Interim Successor Trustee of the Marian Drayman 1999 Trust on 2/17/02 and has filed a separate accounting for the trust. In addition to the trust accounting, Linda Johnson has filed a 1st accounting of the conservatorship estate. Prior to Linda's involvement, Marian's sister, Sunny, took care of all of the affairs. Marian and Sunny had joint accounts. Then Sunny died and Linda became the conservator.

Conservatee's sister Barbara Drayman is unhappy with how Linda Johnson has been handling the case. In addition to objecting to Linda Johnson's Conservatorship Accounting, Barbara Drayman is seeking to remove Ms. Johnson and have herself appointed as Successor Conservator. Also confusing matters is that the conservatee, through her appointed counsel, has filed Petition for Substituted Judgment (to create Special Needs Trust). Finally, the Court has set this case for MSC on the Petition to Terminate Conservatorship filed by Barbara Drayman. Each of the matters has been separately addressed.

THE FIRST MATTER IS:

This case is set for hearing on 1st Account (by Linda Johnson, Conservator Accounting period: 9/17/02 – 6/30/04 **(See related matter #58)**)

Objections to 1st Account filed by Barbara Drayman alleging that conservator (Linda Johnson) has done a poor job accounting to the court. Objector alleges that while conservatee was at Somerford Place for approximately 8 months commencing 8/9/02 at \$4500/month conservator should have spent approximate \$36,000 for conservatee's care. The total payments to Somerford Place in this accounting period is \$18,197. Additionally objector alleges that while conservatee was at Country Villa (formerly Beverly Manor) that conservator should have spent \$45,030 and the accounting shows only a total spent of \$14,908.44. **Note:** It is possible that the objector has not yet reviewed the trust accounting where some disbursements to the board & care facilities have been reflected in the total amount of \$32,296.09.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need original bank statement for Washington Mutual for beginning balance reflected on the accounting per PC 2620(c)
2. Total of I & A's filed is \$255,061.69, but beginning balance on accounting is \$180,061.69 (It appears interest in the ½ interests in 1979 mobile home & real property at 28980 Calle Alta, Murrieta have not been included.). These assets are likewise not shown as assets on hand at end of accounting period. File verified supplement re: discrepancy.
3. Bond posted is \$50,000. Need bond of \$190,000.
4. Conservator and attorney allege they will submit a supplemental declaration in support of their respective fee requests. None yet filed.

RECOMMENDATION:

Need bank statement and verified supplement re item 2.
Set matter for contested hearing.

Page: 57A

San Bernardino Superior Court

CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:

Petition for Appointment of Conservator (by Barbara Drayman)

COUNSEL:

LINDA JOHNSON	(CPE)...C.L. FARRELL
MARIAN DRAYMAN	(CEP)...JAMES B CHURCH
CARYN VELASCO	(OBJ)...PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Petition for Appointment of Successor Conservator, person & estate, by sister Barbara Drayman.

Objections filed by Linda Johnson alleging petitioner Barbara Drayman does not appreciate or understand the purpose for the proper administration and accounting of a probate conservatorship. Objections allege that Barbara Drayman requests to move the conservatee against recommendations of doctors and that the conservatee is in frail health and suffers from advanced stages of Alzheimer's Disease. Objector further alleges that Barbara Drayman is untruthful in her allegations in her petition for appointment and has failed to state any legitimate legal ground to support the termination of objector as conservator.

A Petition for Termination of Conservatorship was also filed by Barbara Drayman. The basis of the request is that the current conservator Linda Johnson has done an inadequate job of accounting in the first partial inventory (it should have listed another \$30,000 in various accounts). A Mandatory Settlement Conference is also set this date re: petition for termination (**Matter 59A below**).

James Church is appointed as attorney for conservatee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need proof of mailed service to Linda Johnson & Renee Ostrove

2. Need CI report
3. Requesting dementia powers per attachment, but it is not stated on first page of petition. Court has already appointed James Church as counsel for conservatee.
4. Seeking power to sell the property of the conservatee. (Note: this property has been sold by the current conservator and the proceeds from said sale are being held with the title company, in escrow.)
5. Will need bond of \$190,000
6. Petitioner requests conservatee be placed in secure perimeter care facility. **Objections filed by Attorney Church re: changing residence.** Court may also wish to review confidential letter from Cornerstone Hospice re: changing conservatee's placement.
7. Petitioner asking that notice to conservatee be dispensed with. This is not a proper legal request, as a citation must be served in order to confer jurisdiction upon the court. Need to file proof of service of citation.
8. Requesting that power of attorney for health care previously signed by conservatee be revoked, giving petitioner (Barbara Drayman) sole medical authority.

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02219

See related matter #57

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:

Petition for DENY THE VERIFICATION 1ST & FINAL ACCT & REPORT OF
CONSERVATOR

COUNSEL:

LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	JAMES B CHURCH
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Objections/Petition to Deny the 1st & Final Account filed by
Barbara Drayman on the 1st & Final Account filed by Linda Johnson, Conservator
Accounting period: 9/17/02 – 6/30/04

RECOMMENDATION:

This is the same matter as 57 and one contested hearing should be set.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:
Petition for SUBSTITUTED JUDGEMENT -

COUNSEL:

LINDA JOHNSON	(CPE)...C.L. FARRELL
MARIAN DRAYMAN	(CEP)...JAMES B CHURCH
CARYN VELASCO	(OBJ)...PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Petition for Substituted Judgment filed by James Church attorney for conservatee

Continued from 10/22/04 at request of counsel

Counsel requests that the conservator Linda Johnson be authorized to create the "Marian Drayman Special Needs Trust" as settlor and fund it with the proceeds from the sale of the home of conservatee, together with the remainder of the assets currently held in the conservatorship estate for a total of approx. \$150,000 (per accounting approx. total is \$190,000) and that after the funding of the Trust, the conservator of the estate not be required to account further for such assets but manage them under the Trust. Counsel further requests that the conservator Linda Johnson be authorized to execute a Pour-over Will on behalf of conservatee, or alternatively, execute a standard Will in lieu of the Pour-over Will.

History: On 6/9/1999 Marian Drayman (conservatee) created the Marian Drayman Trust of 1999. This Trust was amended on 1/18/2000 to change the percentages of certain beneficiaries of the trust. On 11/17/2001, Marian Drayman signed a new Will. (Copies of the Trust & Amendment in the file. No copy of the 11/17/01 Will.). Petitioner alleges that the Trust and the Will of 11/17/2001 are "difficult to show what was her intent at her demise." (paragraph 5, line 11-12). Petitioner alleges there is not enough money for attorneys fees and proper funeral and burial. However, Court should note that the accounting shows that the conservatee owns a casket which was purchased in 6/3/04 and

a Mausoleum Plot purchased in 3/11/03 worth \$10,348.88. It is also worth noting as to the contention of uncertainty surrounding the conservatee's current estate planning documents that (a) there is no copy of the 11/17/2001 Will for the Court to make an independent determination; and (b) it appears that the 1999 Trust document is specific in the bequests to beneficiaries.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need proof of mailed notice to beneficiaries of the current Trust and intestate heirs (PC 2581). Court should note that the proposed new Trust deletes bequests to several relatives without any explanation for that change.
2. Per local rule (1405) proposed Trust would be subject to the jurisdiction of the Court, including the accountings to the Court as well as other actions by the proposed trustee. Normally, this local rule applies to trusts created post-conservatorships which is not the precise situation here. However, the Court asserted jurisdiction over the trust when it appointed Linda Johnson as Interim Successor Trustee of the Marian Drayman 1999 Trust on 9/17/02, the same date she was appointed temporary conservator. Secondly, if the new proposed Trust is approved by the Court, its terms are so different from the original 1999 Trust so that it could be considered a trust created after the conservatorship was established.
3. The residual beneficiaries of the proposed Trust are different than the 1999 Trust, as amended. Nieces & nephews of predeceased siblings are excluded from proposed Special Needs Trust. Why are beneficiaries changed? File verified supplement to explain why intent of Marian in 1999 is unclear.
4. There is no copy of the prior 11/17/2001 Will to review to compare with proposed Pour-over Will and/or standard Will. File copy of prior 11/17/2001 Will.
5. Petitioner alleges that conservatorship assets are exempt assets under Medi-Cal.
6. Petitioner requests conservator Linda Johnson's bond of \$50,000 be exonerated. However, local rule 1405 requires a bond for this situation. Additionally, Court may find bond necessary to protect the interests of beneficiaries (PC 15602(a)(2)) as beneficiaries do not coincide with each other's actions and may wish to order it increased to \$190,000 (amount of assets reported in 1st Account of Conservator ending 6/30/04).
7. Need verified supplement to explain the need for this petition, the change of beneficiaries proposed, and also copy of 11/17/2001 Will.

RECOMMENDATION:

Cannot approve as is. Need notice and verified supplement .

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:

1ST CURRENT Account and Report of LINDA JOHNSON and Petition for allowance of fees filed.

COUNSEL:

LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	JAMES B CHURCH
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on 1st Account by Linda Johnson as Interim Successor Trustee of the Marian Drayman 1999 Trust
Accounting period: 9/17/02 – 6/30/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need Notice of Hearing and proof of service
2. Need copy of investment account statements verifying cash & securities on hand per local rule for both I & A and accounting.
3. No objections filed yet by Barbara Drayman.

RECOMMENDATION:

RFA subject to 1-2.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:
Mandatory Settlement Conference

COUNSEL:

LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	JAMES B CHURCH
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Mandatory Settlement Conference

Per Minute Order of 8/20/04 parties were ordered to file Settlement Statements by 11/12/04. None filed to date.

This case originally set for hearing on Petition for Termination of Guardianship filed by Barbara Drayman and for Barbara Drayman to be named successor conservator

Original petition for conservatorship filed in November 2002 by Linda Johnson, paternal niece of Marian Drayman. Caryn Velasco, maternal grand-niece, filed an objection, based upon Ms. Drayman executing an Advanced Health Care Directive which would cover all things necessary. Caryn Velasco raised questions as to fraud by Linda Johnson. Caryn Velasco subsequently withdraw her objection.

The next objection was filed by Barbara Drayman, sister, based upon Linda Johnson not having time to see to the conservatee on a weekly basis to check up on her. Objector did not wish to see her sister "warehoused". Barbara Drayman claimed that she had more time to devote than did Johnson. On 3-12-04, the Court over-ruled the objection of Barbara Drayman, as she had not given the court a viable alternative. Linda Johnson was appointed conservator.

After appointment, Linda Johnson sought an order from the court to compel Barbara Drayman to testify about possession of the conservatee's property. Johnson contended

that Barbara Drayman and Caryn Velasco failed to cooperate in identifying the estate assets. Eventually, court took their testimony. Minute order not clear as to status of that inquiry.

James Church was appointed as attorney for conservatee.

Barbara Drayman has filed a Petition to Terminate Linda Johnson as Conservator and for Barbara Drayman to become the successor conservator. The basis of the request is that Linda Johnson has done an inadequate job of accounting in the first partial inventory. Should have listed another \$30,000 in various accounts.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. None

RECOMMENDATION:

None.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02283

CASE NAME: MTR OF EDGAR ELLIS POWELL

HEARING:

1ST & FINAL Account and Report of KAREN S POWELL and Petition
for allowance of fees filed.

COUNSEL:

KAREN S POWELL (CPE)...LENITA A SKORETZ
EDGAR ELLIS POWELL (CEP)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account
Accounting period: 12/3/02 -3/28/03
Conservatee died on 3/28/03

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Temporary letters issued 1/23/03 and permanent letters were never issued due to the death of the conservatee
2. Conservator waives any fees for services rendered
3. Attorney requests reasonable fees of \$5,271.25. Because a majority of the services performed were after the death of conservatee, the attorney will seek payment as a creditor or as extraordinary fees in the probate estate. Billed at \$250/hour for attorney (15.45 hours) and \$75-\$100/hour for paralegal (8.15 hours @ \$75/1.0 hours @ \$100), together with costs advanced of \$697.50. Itemized. JTD
4. Petitioner requests distribution of the conservatorship estate to the personal representative of the conservatee's probate estate.

RECOMMENDATION:

RFA subject to Court's determination of fees. Once approved, set hearing for filing of receipts and final discharge for 12/2/05.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02373

CASE NAME: MTR RE LILLIE B RILEY

HEARING:

1ST CURRENT Account and Report of MELODIE Z SCOTT and Petition
for allowance of fees filed.

COUNSEL:

LUTRICIA J DEON	(CPE)...PRO/PER
LILLIE B RILEY	(CEP)...KARIN HORSPOOL
MELODIE Z SCOTT	(CPE)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on 1ST Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Still need to file accounting

RECOMMENDATION:

Failure to file the account within the time extended by the Court shall constitute contempt
of the authority of the Court as described in Section 1209 of the Code of Civil Procedure
(PC 2620.2(b)).

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02451

CASE NAME: MTR OF EDWARD P. DUARTE

HEARING:

1ST CURRENT Account and Report of LAWENCE A. DEAN III and
Petition for allowance of fees filed.

COUNSEL:

LAWENCE A. DEAN III (CPE)...SHERRI L KASTILAHN
EDWARD P. DUARTE (CEP)...NANCY J YOUNG

GENERAL INFORMATION:

This case is set for hearing on 1st Account
Accounting period: 4/1/03 – 7/17/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Conservator requests reasonable fees of \$6701.80. Itemized. Requested conservator fees & attorneys fees are approximately 30% of the value of the conservatorship estate and may be excessive due to the size of the conservatorship estate and ongoing living expenses of conservatee.
2. Conservator requests a monthly allowance of \$440.00 per month not to exceed 80% of the actual fees earned. JTD
3. Attorney requests reasonable fees of \$3970, plus \$42.80 for reimbursement of costs advanced for a total of \$4012.80, for services rendered. Itemized. Requested conservator fees & attorneys fees are approximately 30% of the value of the conservatorship estate and may be excessive due to the size of the conservatorship estate and ongoing living expenses of conservatee.
4. Conservator requests additional bond of \$40,000 for a total increased bond of \$50,000. Ok.
5. Disbursement Schedule B only shows disbursement through 2/17/04, but accounting period is through 7/17/04. Is there a monthly board & care to Braswell's Colonial Care? File verified supplement to include additional disbursements through end of accounting period.

RECOMMENDATION:

File verified supplement re: disbursements and court's determination of fees.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02527

CASE NAME: MTR OF THEODORE MENDEZ

HEARING:

1ST & FINAL Account and Report of MELODIE Z. SCOTT and Petition
for allowance of fees filed.

COUNSEL:

MELODIE Z. SCOTT (CPE)...HARTNELL HORSPOOL & FOX
THEODORE MENDEZ (CEP)...SHERRI L KASTILAHN
BOND SERVICES OF CALIFORNIA IN(TP)...PRO/PER
U.S. DEPT. OF VETRANS AFFAIRS (PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account
Accounting period: 11/5/03 – 8/12/04
Conservatee died on 6/5/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Conservator requests reasonable fees of \$5205.30. Billed at average hourly rate of \$57/hour for approx. 90 hours as follows: Itemized. JTD
 - a. Conservatorship matters - 21 hours
 - b. Tax, Financial, Benefits – 34 hours
 - c. Personal & Medical care – 35 hours
2. Attorney requests reasonable fees of \$5755. Billed at \$250/hour for attorney and \$100/hour for paralegal for a total of 24.7 hours. Itemized. JTD
3. Conservator requests conservatorship assets be distributed to personal representative of Theodore Mendez or as otherwise authorized by law.

RECOMMENDATION:

RFA subject to court's determination of fees. Once approved, set hearing for filing of receipts and final discharge for 12/2/05

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02593

See related matters #65, 65A and 66

CASE NAME: MTR RE LEONARD FREDERICK ROHRBOUCK

HEARING:

FIRST AND FINAL Account and Report of LAWRENCE A DEAN II and
Petition for allowance of fees filed.

COUNSEL:

LAWRENCE A DEAN II (CPE)...HARTNELL HORSPPOOL & FOX
LEONARD FREDERICK ROHRBOUCK (CEP)...DONNASUE SMITH-ORTIZ
LORENE NEWTON (CPE)...ELISABETH KEMPE-OLINGER
W L MCKENZIE (CPE)...ELISABETH KEMPE-OLINGER

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account and
Petition for allowance of fees

Accounting period: 2/23/04 - 5/12/04

**Continued from 10/22/04. Court informed there are 2 companion cases,
#SCSS02594 and SCSS02595, also set for accounting & attorneys fees.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need original bank statements filed per PC 2620(c) (appears only copies filed) (SCSS02593, #SCSS02594 & SCSS02595)
2. Petitioner as temporary conservator requests reasonable fees totaling \$5,456.95 for this conservatorship together with the 2 companion cases broken down as follows:
 - a. Leonard Rohrbuck #SCSS02593 - \$3590.50
 - b. Patricia Rohrbuck #SCSS02594 - \$1,115.90
 - c. Douglas Rohrbuck #SCSS02595 - \$ 750.55Billed at \$25-\$85/hour for a total of 100.03 hours. Itemized. JTD

3. Attorney HH&F requests reasonable fees totaling \$12,512.50 for this conservatorship together with the 2 companion cases broken down as follows:
 - a. Leonard Rohrbuck #SCSS02593 - \$4,922.50 (30.4 hours)
 - b. Patricia Rohrbuck #SCSS02494 - \$3,762.50 (21.5 hours)
 - c. Douglas Rohrbuck #SCSS02595 - \$3,827.50 (22.5 hours)Billed at \$150-\$200 (attorney time) and at \$50-\$75 (paralegal time). Itemized. JTD
4. Petitioner requests authority to distribute conservatorship assets to Lorene Newton & W.L. McKenzie, Co-conservators of the estate of conservatee
5. Attorney Ortiz requests fees as court-appointed counsel as follows:
 - a. Leonard Rohrbuck #SCSS02593 - \$2,000.00, reduced from \$2,936.25 (13.1 hours) Billed at \$225/hour. Itemized. JTD
6. Attorney Walter requests fees as court-appointed counsel as follows:
 - a. Pauline Rohrbuck #SCSS02594 - \$700.00 (4.0 hours) Billed at \$175/hour. Itemized. JTD
7. Attorney Skoretz requests fees as court-appointed counsel as follows:
 - a. Douglas Rohrbuck #SCSS02595 - \$1,821.25 (7.5 hours)Billed at \$250/hour. Itemized. JTD
8. **Note: The total fees of the temporary conservator and all attorneys are \$22,490.70. The balance of cash on hand at the end of the accounting period is \$28,309.04, leaving a minimal balance of cash remaining. The only income of the conservatorship is SSI of approx. \$1500 (Leonard & Pauline) and \$446 (Douglas) and a small annuity of \$134.00 (Leonard). Court may wish to inquire of attorneys and temporary conservator whether they would be willing to reduce any part of their fee request to leave ample monies for the conservatees needs.**

RECOMMENDATION:

RFA subject to 1 and court's determination of fees. Once approved, set hearing for filing of receipts and final discharge for 12/2/05.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02594

See related matters #64, 65A & 66

CASE NAME: MTR RE PAULINE PATRICIA ROHRBOUCK

HEARING:
Petition for APPROVAL OF ATTORNEY FEES

COUNSEL:
LAWRENCE A DEAN II (CPE)...HARTNELL HORSPOOL & FOX
PAULINE PATRICIA ROHRBOUCK (CEP)...ROGER EDWARD WALKER
LORENE NEWTON (CPE)...ELISABETH KEMPE-OLINGER
W L MCKENZIE (CPE)...ELISABETH KEMPE-OLINGER

Same notes as matter #64 above

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02594

See related matters #64, 65 & 66

CASE NAME: MTR RE PAULINE PATRICIA ROHRBOUCK

HEARING:

1ST & FINAL Account and Report of LAWRENCE A DEAN II and
Petition for allowance of fees filed.

COUNSEL:

LAWRENCE A DEAN II (CPE)...HARTNELL HORSPOOL & FOX
PAULINE PATRICIA ROHRBOUCK (CEP)...ROGER EDWARD WALKER
LORENE NEWTON (CPE)...ELISABETH KEMPE-OLINGER
W L MCKENZIE (CPE)...ELISABETH KEMPE-OLINGER

Same notes as matter #64 above

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02595

See related matters #64, 65 & 65A

CASE NAME: MTR RE DOUGLAS MICHAEL ROHRBOUCK

HEARING:

1ST & FINAL Account and Report of LAWRENCE A DEAN II and
Petition for allowance of fees filed.

COUNSEL:

LAWRENCE A DEAN II (CPE)...HARTNELL HORSPOOL & FOX
DOUGLAS MICHAEL ROHRBOUCK (CEP)...
LORENE NEWTON (CPE)...ELISABETH KEMPE-OLINGER
W L MCKENZIE (CPE)...ELISABETH KEMPE-OLINGER

Same notes in matter #64 above

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SC SS02633

CASE NAME: MTR OF ROSS FRANK DAUGHTRY JR

HEARING:
Hearing Re: Inventory & Appraisal.

COUNSEL:
LINDA J HOHENSEE (CPE)...MARTIN E KELLER
ROSS FRANK DAUGHTRY JR (CEP)...

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 10:01 DEPT: S5

CASE #: SG SS7187

CASE NAME: IN THE MATTER OF JEANINE ANNE SLATINSKY

HEARING:

1ST & FINAL CURRENT Account and Report of ILONA EUBANK and
Petition for allowance of fees filed.

COUNSEL:

JEANINE ANNE SLATINSKY (MIN)...
INGEBORG PROBST (GPE)...CHRISTOPHER A POULOS
ILONA EUBANK (SC)...CHRISTOPHER A POULOS

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account

Court ordered that conservatorship of estate be terminated as 12-21-03. Originally, it was believed that the conservatee would be receiving an inheritance, but the estate plan was changed.

Continued from 10/1/04 at request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Notice deficiency. Notice given shows incorrect hearing date (11/4/04).
Need Notice of Hearing and proof of service for correct hearing date.
2. No request for attorney or conservator fees have been made.
3. No proposed order submitted.

RECOMMENDATION:

Need to clear note 1. Once approved, set hearing for filing of receipts and final discharge
for 12/2/05

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI MISC

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SC SS01635

CASE NAME: MTR OF TIMOTEO ORTEGA BACA ET AL

HEARING:
OSC re: Sanctions

COUNSEL:

TIMOTEO ORTEGA BACA (CEP)...
CARLOS BRAGG (CE)...PRO/PER
KAREN HADASSAH BACH (CP)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on: Final Discharge

This matter has been continued numerous times since 12/05/03 and no appearance has been made by pro per since 1/30/04.

Last continuance from 5-21-04

Continued from 7-16-04. No appearance, Court issued a citation to Carlos Bragg. Waiting for proof of personal service.

On 9-24-04, John Baca, son, was present. Carlos Bragg, Conservator, did not appear. Because of his lack of appearance, the Court ordered the matter continued. Court should note that the mailing address on the Clerk's notice does not contain a street address, and it is possible that Mr. Bragg did not receive notice of the continued date. The Court should also note that the Sheriff could not serve Mr. Bragg with the citation as there was no response at the address. The Court does not have personal jurisdiction over Mr. Bragg on the OSC.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Conservatee died 12/7/00.
2. First & Final Account states Inventory & Appraisal value of estate: \$90,250.00 (real property of \$81,250.00). Order Settling First & Final Account states Conservator had in his possession assets of \$577.78 of which was cash and no statement as to

any real property. **However, the Final Order does allow the conservator to have \$3099.84, which would mean that there was probably no money left for a receipt.**

3. Sun System does not appear to have been an estate opened up for the decedent

RECOMMENDATION:

Court should dismiss the citation and execute the final discharge order, as it appears that there were no assets left to hand over. (Unless the son had contrary information)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS01777

CASE NAME: IN THE ESTATE OF GLADYS N PETERSON

HEARING:

Accounting Review

COUNSEL:

GLADYS N PETERSON	(DEC)...
SANDRA ODELL	(PET)...SHORE & WURM
RUTH L HENRICKS	(SA)...HARTNELL HORSPPOOL & FOX
PATRICIA M MCKENNA	(OBJ)...HARTNELL HORSPPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

There also remains the unresolved petition for final distribution or removal of successor special administrator filed by Sandra O'Dell beneficiary. On 1/23/03 the successor special administrator's second report and third account was approved and granted. The estate was to remain open to allow for any additional taxes and unforeseen contingencies. The successor special administrator was also ordered to withhold the sum of \$9500 for taxes and unforeseen contingencies. Court allowed successor special administrator to keep estate open in the meantime. There was no settlement at the MSC on 7/26/04 and Trial was continued to 10/22/04. **On 10/22/04 counsel advised Court that the second report was deemed the final accounting and the only issue remaining is the dishes.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. **Has there been any distribution of the dishes? What is the status of the estate? Successor Special Administrator should explain status of distribution to the court.**

RECOMMENDATION:

Find out status of distribution of the dishes and closing of estate

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SC SS01798

CASE NAME: MTR RE BURL MCAGER SHOCKLEY

HEARING:

Accounting Review

COUNSEL:

BURL MCAGER SHOCKLEY	(CEP)...	JUDITH RUNYON
LAWRENCE A DEAN II	(CPE)...	SHERRI L KASTILAHN
CHARLOTTE F SHCOKLEY	(OBJ)...	HOWARD L. SANGER
KAREN SHOCKLEY	(HOWARD L. SANGER)...HOWARD L.
US DEPT OF VETERANS AFFAIRS	(ALAN K ACHEN)...ALAN K AC
ELNEECE STEWART	(HASSEN & ASSOCIATES)...HASSEN &
FLORINE B SHOCKLEY	(J. DAVID HORSPOOL)...J. DAVID

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (3rd Accounting due)

Period: 8-1-03 to 7-31-04

Continued from 9-24-04. Parties appeared, and hearing continued at request of Attorney Kastilahn. Accounting was to be ready in 30 days. Not filed yet.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Accounting not filed.
2. Attorney Runyon has been appointed for conservatee. Court needs to inquire of Attorney Runyon as to the wishes of the client as to whether a termination petition or successor conservatorship petition should be filed, per the information provided by the Court Investigator.

RECOMMENDATION:

Need report on wishes of conservatee..

Re: Failure to File Accounting: Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure. (PC 2620.2(b).)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SC SS02071

CASE NAME: MTR OF CARMEN MILLARD

HEARING:
OSC re: Final Accounting

	COUNSEL:
VALINDA STEINE	(CPE)...PRO/PER
CARMEN MILLARD	(CEP)...
PUBLIC GUARDIAN	(SC)...COUNTY COUNSEL
LINDA FOSTER	(OBJ)...DANIEL J. SWEENEY

GENERAL INFORMATION:

This case is set for hearing on OSC re: Dismissal
Letters of Conservatorship, person & estate, issued 7-2-02
Conservator went missing and public guardian appointed as temporarily on 1-23-04.
Conservatee is now deceased.

Continued from 7-23-04. Court set OSC re: Accounting and had a citation issued to Valinda Steine.

Continued from 9-24-04. No appearance. Citation issued to Valinda Steine was not served, as she had moved out. In process currently to locate a better address for her. Continue matter until better address is found.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Court may not dismiss the case since the conservatorship of the estate was opened. Only can close by having a final account (or waiver) and final discharge. Value of estate is less than \$2000, per I & A filed.

RECOMMENDATION:

Continue to locate address and then attempt to have citation served.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SC SS02427

CASE NAME: MTR OF VIRGINIA M RYAN

HEARING:
Accounting Review

	COUNSEL:
CARL R MEEK	(CPE)...E. JOAN NELMS
VIRGINIA M RYAN	(CEP)...LENITA A SKORETZ

GENERAL INFORMATION:

This case is set for hearing on Accounting Review
Continued from 9-10-04. Since that time, the I & A has been filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Accounting still not filed.

RECOMMENDATION:

Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure. (PC 2620.2(b).)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SC SS02512

CASE NAME: MATTER OF VIRGINIA H FIRTH

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DAVID BRUCE FIRTH (CPE)...REGAN-BRAUN LAW OFFICES
VIRGINIA H FIRTH (CEP)...MELVIN L FRIEDLAND

GENERAL INFORMATION:

This case is set for hearing on I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Not filed.

RECOMMENDATION:

Order that I & A be filed within 30 days. Set OSC re: Removal per PC 2614.5. If conservator fails to file the I & A within the 30 days, the court may remove the conservator.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPASS4952

CASE NAME: ESTATE OF GARY L BRANCH

HEARING:

Accounting Review

COUNSEL:

PUBLIC ADMINISTRATOR	(PET)...	GRESHAM SAVAGE NOLAN & TILDEN
GARY L BRANCH	(DEC)...	
SCOTT A HANCOCK	(TP)...	SNYDER, HANCOCK & ASHWORTH
SHARMAN G ROSS	(SNYDER, HANCOCK & ASHWORTH)...	SNYDER, H
RICHARD R ROSS	(SNYDER, HANCOCK & ASHWORTH)...	SNYDER, H
SCOTT A HANCOCK	(SNYDER, HANCOCK & ASHWORTH)...	SNYDER, H
PAM AMBERS	(SNYDER, HANCOCK & ASHWORTH)...	SNYDER, H
WALLACE M BUTLER	(SNYDER, HANCOCK & ASHWORTH)...	SNYDER, H

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Continued from 6-4-04 at attorney's request.

Continued again from 7-9-04. Still nothing new filed.

Continued again from 9-17-04 per counsel's telephone request.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Need Final I & A. Only partials filed.
2. Need accounting.

RECOMMENDATION:

Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure. (PC 2620.2(b).)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS03699

CASE NAME: MATTER OF ANGELINA PICCOLI

HEARING:
Hearing re: FINAL DISCHARGE

COUNSEL:
CAMILLO A PICCOLI (PET)...PRO/PER
ANGELINA PICCOLI (DEC)...
NICK PICCOLI (TP)...PRO/PER
DEPT OF CHILD SUPPORT SERVICES(DEPT OF CHILD SUPPORT
SERVICES)...DEPT OF C

GENERAL INFORMATION:
This case is set for hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. No receipts or proposed order filed.

RECOMMENDATION:
Need status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS04609

CASE NAME: ESTATE OF ALFRED J WASHINGTON

HEARING:
Accounting Review

COUNSEL:
CYNTHIA SMITH (PET)...HARTNELL HORSPPOOL & FOX
ALFRED J WASHINGTON (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Continued from 2-20-04 and 3-26-04

Continued again on 6-11-04.

Continued from 8-20-04 **Nothing new filed, not even a status report.**

On 9-24-04, Attorney Horspool requested another continuance. Minute order states that he was awaiting signature. Still not filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Not filed. Last report was 11-1-302 and that litigation was still pending. Litigation was settled and case has been dismissed, with jurisdiction reserved to enforce settlement. There would appear to be no reason than an accounting could not be filed. At hearing, Attorney Horspool indicated that proceeds from litigation just recently received.

RECOMMENDATION:

Court may wish to take some action, such as suspension of powers, since the accounting was not filed as promised by the attorney.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS04609

VACATED - ACCT. FILED

CASE NAME: ESTATE OF ALFRED J WASHINGTON

HEARING:
Accounting Review

COUNSEL:
CYNTHIA SMITH (PET)...HARTNELL HORSPOOL & FOX
ALFRED J WASHINGTON (DEC) ...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05083

CASE NAME: ESTATE OF LENORE FRANCES HUNT

HEARING:
Accounting Review

COUNSEL:

ALAN DE LONG	(PET)...SHORE & WURM
LENORE FRANCES HUNT	(DEC)...
MELODY Z SCOTT	(PET)...HARTNELL HORSPPOOL & FOX
LELAND SLY	(TP)...SWAN,CARPENT ER,WALLIS & MCKEN
MARLENA SLY	(SWAN,CARPENT ER,WALLIS & MCKEN)...SWAN,CARP

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

This hearing was set on 5-28-04 at request of attorney; seeking additional time to administer estate as the real property had just been sold.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. No accounting filed.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05394

CASE NAME: ESTATE OF JUNIOR R WAND

HEARING:
Accounting Review

COUNSEL:	
ROBIN LEE WAND	(PET)...ROBERT H MOORE
JUNIOR R WAND	(DEC)...
BERNARD M BIDART	(TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Accounting Review
Continued from 10-1-04 as the counsel was unable to attend the hearing on that date.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. No accounting filed.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05416

CASE NAME: ESTATE OF LORENE PICOZZI

HEARING:
Accounting Review

COUNSEL:
CAROLYN GOODING (PET)...BRUNICK BATTERSBY MCELHANEY &
LORENE PICOZZI (DEC)...

GENERAL INFORMATION:
This case is set for hearing on Accounting Review
Continued from 10-1-04. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Accounting not filed.
2. Court previously approved a preliminary distribution (2-10-04).

RECOMMENDATION:
Suspend powers of Executor, Carolyn Gooding. Issue citation and have it personally served on OSC re: Removal, Sanctions & Possible Surcharge. Court may also wish to sanction the attorney for the failure to appear at the hearing on 10-1-04.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05756

CASE NAME: EST OF J J RAMIREZ

HEARING:
Hearing re: FILING OF I&A

COUNSEL:
LAURA ANNE RAMIREZ (PET)...GUAY P WILSON
J J RAMIREZ (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Filing of I & A
Continued from 10-1-04. No appearance. However, on that date, a "Report of Executor and Petition for Authority to Continue Administration of Estate Without Filing Inventory & Appraisal" was filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. The Report of Executor procedurally complete. Court could execute the proposed order and continue the date on the filing of the I & A to 1-21-05.

RECOMMENDATION:

Continue to 1-25-04. Execute order.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05787

CASE NAME: ESTATE OF ROBERT G. GEE

HEARING:
Hearing Re: INVENTORY & APPRAISAL.

COUNSEL:
CHERE E. GEE (PET)...H. DANIEL LIVELY
TERRIE D. ALAKSIN (PET)...H. DANIEL LIVELY
ROBERT G. GEE (DEC)...
WELLS FARGO BANK, N.A. (TP)...PRO/PER

GENERAL INFORMATION:
This case is set for hearing on I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Not filed.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05849

CASE NAME: EST OF MARGARET EVELYN LANGDON

HEARING:
Hearing re: INVENTORY & APPRAISAL

COUNSEL:
GARY ATWOOD YETTER (PET)...PRO/PER
MARGARET EVELYN LANGDON (DEC)...

GENERAL INFORMATION:
This case is set for hearing on I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. "Partial No. 1" was filed. Problems:
 - a. Not signed by probate referee PC 8902
 - b. No bank or investment statements filed. Local Rule 908
2. When will "Final" be filed.

RECOMMENDATION:
Need to clear notes.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05852

CASE NAME: ESTATE OF MARGARET DAVIS

HEARING:
Hearing re: INVENTORY & APPRAISAL

COUNSEL:
MARY BUZA (PET)...JOHN M RAGER
BRENDA ALSUP (PET)...JOHN M RAGER
MARGARET DAVIS (DEC)...
DEPT. OF HEALTH SERVICES (TP)...PRO/PER

VACATE

I & A Filed.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05853

CASE NAME: ESTATE OF MARY CANNISTRA

HEARING:
Hearing re: INVENTORY & APPRAISAL

COUNSEL:
LINDA EVELIN WOOTEN (PET)...JOHN M RAGER
MARY CANNISTRA (DEC)...

VACATE

Off-calendar. I & A filed.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05855

CASE NAME: ESTATE OF LOUISE CAMPBELL

HEARING:
Hearing re: INVENTORY & APPRAISAL

COUNSEL:
ORVILLE LEONARD (PET)...MICHAEL S. ARNOLD
LOUISE CAMPBELL (DEC)...
WARREN NEIDOFFER (TP)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION:
This case is set for hearing on I& A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Filed, but it did not include the bank and investment statements as required under Local Rule 908.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 11:00 DEPT: S5

CASE #: SPRSS05857

CASE NAME: ESTATE OF VILA M JENKINS

HEARING:
Hearing re: INVENTORY & APPRAISAL

	COUNSEL:
WANDA L JENKINS	(PET)...DAPHNE MCMILLAN
JAMES C JENKINS	(PET)...DAPHNE MCMILLAN
VILA M JENKINS	(DEC)...

VACATE

Waiver & Final Report set for hearing 11-12-04.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SC SS00471

CASE NAME: IN THE MATTER OF CATHERINE A SORENSEN

HEARING:
Accounting Review

COUNSEL:
CATHERINE A SORENSEN (CEP)...ROBERT H MOORE
VIRGIL F. BALDWIN (CPE)...GUAY P WILSON
SHIRLEY M. PERRY (CPE)...GUAY P WILSON

GENERAL INFORMATION:
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. 10th Accounting not filed yet.

RECOMMENDATION:
Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SC SS01228

CASE NAME: IN THE MATTER OF JUANITA HARDING

HEARING:
Accounting Review

	COUNSEL:
JUANITA HARDING	(CPE)...
MARIA HOFFMAN	(CEP)...M DANIEL SAYLOR
LENA PERSSON	(CEP)...M DANIEL SAYLOR

GENERAL INFORMATION:
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. 4th Account needs to be filed.

RECOMMENDATION:
Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SC SS01676

CASE NAME: MTR OF WILLIAM F BURKE

HEARING:
Hearing re Final Discharge

COUNSEL:
LAWRENCE A DEAN II (CPE)...SHERRI L KASTILAHN
WILLIAM FRANCIS BURKE (CEP)...LERCH STURMER LLP

GENERAL INFORMATION:
This case is set for hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. No receipts or proposed order filed.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SC SS02183

CASE NAME: MTR OF DOROTHY H. LEE

HEARING:
Hearing re Final Discharge

	COUNSEL:
MELODIE Z. SCOTT	(CE)...HARTNELL HORSPOOL & FOX
DOROTHY H. LEE	(CTE)...
LAWRENCE DEAN	(SC)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:
This case is set for hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. No receipts or proposed order filed.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SC SS02231

CASE NAME: MTR OF JOHN HUGH FELLOWS

HEARING:
Accounting Review

COUNSEL:
DIANE D. HARKISON (CPE)...M DANIEL SAYLOR
JOHN HUGH FELLOWS (CEP)...

GENERAL INFORMATION:
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Need to file 2nd Account, starting with 9-18-04.

RECOMMENDATION:
Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SC SS02464

CASE NAME: MATTER OF NICOLA MIRCIA

HEARING:
Accounting Review

COUNSEL:
MARIA E FREDERICK (CPE)...PRO/PER
NICOLA MIRCIA (CEP)...SHERRI L KASTILAHN

GENERAL INFORMATION:
This case is set for hearing on Accounting Review
Letters issued 9-19-03.
Conservatee died 5-31-04.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. No I & A filed.
2. No accounting filed.

RECOMMENDATION:
Court needs to issue citation and have it personally served on conservator Maria
Frederick for OSC re: Failure to File Documents.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS04149

CASE NAME: ESTATE OF HAROLD NESEN BROWNSON ET AL

HEARING:
Accounting Review

COUNSEL:
ROBERT G. BROWNSON (PET)...C.L. FARRELL
HAROLD NESEN BROWNSON (DEC)...

GENERAL INFORMATION:
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Partial I & A filed. When will Final be done?
2. Personal representative has already obtained powers (last year) to sell securities.
3. No accounting filed.

RECOMMENDATION:
Suspend powers for the failure to file the Final I & A within the statutory time limits. Issue a citation and have it personally served on Robert Brownson, Administrator, for OSC re: Failure to file Documents and Sanctions, Possible Removal and/or Surcharge.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS04655

CASE NAME: EST OF COLETTA JUNE RISTER

HEARING:
Hearing re Final Discharge

COUNSEL:
DEBY KELLEY (PET)...PRO/PER
COLETTA JUNE RISTER (DEC)...
LAWRENCE A DEAN II (PET)...HARTNELL HORSPOOL & FOX
PAMELA VOLK (TP)...JOHN M RAGER

GENERAL INFORMATION:
This case is set for hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. No receipts or proposed order filed.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS05364

CASE NAME: ESTATE OF LEE HUGHES, JR

HEARING:
Accounting Review

	COUNSEL:
LEE HUGHES III	(PET)...ROBERT A KRASNEY
LEE HUGHES JR	(DEC)...
RANDY LEE HUGHES	(OBJ)...PRO/PER

GENERAL INFORMATION:
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Three Partial I & As have been filed. Is there a "Final"?
2. No accounting filed.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS05401

CASE NAME: ESTATE OF LENA SCHRYVER

HEARING:
Accounting Review

	COUNSEL:
M LYN KELLY	(PET)...JAY SCOTT STEIN
LENA SCHRYVER	(DEC)...

GENERAL INFORMATION:
This case is set for hearing on Accounting Review
Letters issued 9-19-03

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. No I & A filed.
2. No accounting filed.

RECOMMENDATION:
Suspend powers. Set OSC re: Failure to File Documents, Sanctions, Removal and/or
Surcharge. Issue citation and have it personally served.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS05419

CASE NAME: ESTATE OF MARY ANN TIDD

HEARING:
Accounting Review

	COUNSEL:
LEO J TIDD	(PET)...HAYWARD P LECRONE
MARY ANN TIDD	(DEC)...

GENERAL INFORMATION:
This case is set for hearing on Accounting Review
Letters issued 9-29-03

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

3. No I & A filed.
4. No accounting filed.

RECOMMENDATION:
Suspend powers. Set OSC re: Failure to File Documents, Sanctions, Removal and/or Surcharge. Issue citation and have it personally served. Court may wish to order counsel for administrator (Attorney Le Crone) to file proof of service of notice of OSC on all the persons listed in the petition.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS05473

CASE NAME: ESTATE OF VASTIE C DENNIS

HEARING:
Accounting Review

	COUNSEL:
LUBEDIA DENNIS	(PET)...PRO/PER
VASTIE C DENNIS	(DEC)...

GENERAL INFORMATION:
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Inventory & Appraisal filed, but it is insufficient. It must be signed by a probate referee. See Probate Code 8902
2. No accounting filed.

RECOMMENDATION:
If no appearance, suggest the Court issue a citation and have it personally served on Lubedia Dennis, Administrator, for OSC re: Failure to File Documents, Sanctions, Suspension, Removal, and/or Surcharge.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS05475

CASE NAME: ESTATE OF ROSALIE DILLON

HEARING:
Accounting Review

COUNSEL:

MARIA K HOFFMAN	(PET)...	M DANIEL SAYLOR
ROSALIE DILLON	(DEC)...	
ELIZABETH A TOMPKINS	(TP)...	HARTNELL HORSPOOL & FOX
MICHAEL V DILLON	(SNYDER & HANCOCK)...SNYDER &

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Filed Partial No. 1 I & A. Is there a Final?
2. Court has already approved Petition to Determine Heirship and Petition for Preliminary Distribution.
3. No accounting filed.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 11/19/04 TIME: 1:30 DEPT: S5

CASE #: SPRSS05479

CASE NAME: RE: SIMONSEN REVOCABLE LIVING TRUST

HEARING:
Accounting Review

COUNSEL:
JOHN DURKOS (PET)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:
This case is set for hearing on Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Need to file 2nd Trust Accounting, per Court order.

RECOMMENDATION:
Find out status.